

## SENATE.

WEDNESDAY, August 9, 1911.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.:

Almighty God, our heavenly Father, we rejoice that Thou art Lord alike of life and of death. We thank Thee for the assurance that neither life with its joys nor death with its sorrows shall separate us from Thee, who has been our dwelling place in all generations.

For the life and services of Thy servant whom Thou hast called to Thine higher service we render Thee sincere thanks. In our deep sorrow we turn to Thee, for Thou alone canst help. Consecrate to us, we pray Thee, our loss, and graciously be near unto those to whom this sorrow is most deep.

So may God our Father, who hath loved us and hath given us eternal comfort and good hope through grace, comfort our hearts and establish them in every good word and in every good work. Amen.

The Secretary proceeded to read the Journal of the proceedings of Monday, August 7, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## DEATH OF SENATOR WILLIAM P. FRYE.

Mr. JOHNSON of Maine. Mr. President, it becomes my sad duty to announce to the Senate the death of my colleague, Hon. WILLIAM P. FRYE, for 30 years a distinguished Member of this body and for 15 years its President pro tempore. He died yesterday at his home in Lewiston, Me.

I fully appreciate the profound sorrow which his death has occasioned in the hearts of the Members of this body, for I have come to know through my short experience here the affectionate regard in which he was held by Members upon both sides of the Chamber.

The present, overshadowed by the gloom of death, is not the appropriate time for any extended remarks upon his distinguished public services and his eminent character, but at a proper time I shall ask that the Senate temporarily suspend its business that fitting tribute may be paid to his high character and distinguished public services.

At the present time I offer the following resolutions and ask for their adoption.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Maine.

The resolutions (S. Res. 131) were read and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

*Resolved*, That a committee of 18 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. FRYE at his late home in Lewiston, Me.

*Resolved*, That the Secretary communicate a copy of these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

The VICE PRESIDENT appointed under the second resolution Mr. JOHNSON of Maine, Mr. CULLOM, Mr. GALLINGER, Mr. MARTIN of Virginia, Mr. BACON, Mr. LODGE, Mr. PERKINS, Mr. WETMORE, Mr. CULBERSON, Mr. BAILEY, Mr. CLARK of Wyoming, Mr. WARREN, Mr. FOSTER, Mr. SIMMONS, Mr. NELSON, Mr. PENROSE, Mr. CLARKE of Arkansas, and Mr. DILLINGHAM as the committee on the part of the Senate.

Mr. JOHNSON of Maine. Mr. President, I offer the following resolution and ask for its adoption.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Maine.

The resolution was unanimously agreed to, and (at 12 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 10, 1911, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 9, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, that the world in general is beginning to appreciate and place the proper estimate on values. A little bit of selfishness is too much, while a whole lot of generosity is not enough. A little bit of war is

too much, while a whole lot of peace is not enough. A little bit of hate is too much, while a whole lot of love is not enough. The world may have too much selfishness, but it can never have too much generosity; it may have too much war, but it can never have too much peace; it may have too much hate, but it can never have too much love. Hence we pray that the things which make for evil may diminish, while the things which make for righteousness may increase, that Thy kingdom may indeed come and Thy will be done in the hearts of all men, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, in which the concurrence of the House of Representatives was requested.

## ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 1. A joint resolution to amend certain appropriation acts approved March 4, 1911.

## CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the Clerk will take up the call where it rests on the call of committees.

When the Committee on Printing was called.

Mr. FINLEY. Mr. Speaker, I call up the following concurrent resolution.

The SPEAKER. The gentleman from South Carolina calls up the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

## Senate concurrent resolution 6.

*Resolved by the Senate (the House of Representatives concurring)*, That the hearings held before the Employers' Liability and Workmen's Compensation Commission be printed as a public document, and that 3,500 additional copies be printed for the use of the Employers' Liability and Workmen's Compensation Commission.

Mr. FINLEY. Mr. Speaker, this Employers' Liability Commission have completed their report and—

Mr. MANN. Mr. Speaker, I make the point of order that this has to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. The point is well taken by the gentleman from Illinois.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that this concurrent resolution be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman from Illinois to reserve his objection—

Mr. MANN. I am perfectly willing to reserve the objection, but I would like to ask the gentleman if he is willing to accept an amendment to increase the number of copies from 3,500 to 16,000?

Mr. FINLEY. I did not hear the gentleman's remark.

Mr. MANN. This resolution provides for the printing of 3,500 copies of the Handbook of the American Indian.

Mr. FINLEY. That is not the bill at all.

Mr. MANN. I thought that was the resolution.

Mr. FINLEY. No; the resolution is a Senate resolution to print the report of the Employers' Liability Commission.

Mr. MANN. What is the number of the resolution?

The SPEAKER. The Clerk will report the number.

The Clerk read as follows:

## Senate concurrent resolution No. 6.

Mr. MANN. There is no printed report of it. I suppose it has just been handed in, and I reserve an objection.

Mr. FINLEY. It is only to have some printing done for the use of the House, the Senate, and the commission.

Mr. MANN. It is a privileged resolution then?

Mr. FINLEY. Yes.

Mr. MANN. Mr. Speaker, I make the point of order that it is not in order to-day.

The SPEAKER. What is the point of order which the gentleman makes?

Mr. MANN. That it is a privileged resolution, and privileged resolutions are not in order on Calendar Wednesday.

The SPEAKER. The Chair sustains the point of order.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that the Committee on Printing be passed without prejudice.

The SPEAKER. Is there objection?

Mr. MANN. Why does not the gentleman from South Carolina call up resolution No. 2?

Mr. HENRY of Texas. I understand there is resolution No. 2 on the calendar, if the gentleman wants to take it up.

Mr. MANN. That is a resolution of interest to everybody in the House.

Mr. FINLEY. I do not care to call up that resolution at present.

Mr. MANN. Then, I object to passing the committee.

Mr. FINLEY. I have nothing further at present, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects to passing the Committee on Printing without prejudice. The Clerk will call the next committee.

The Clerk proceeded with the call.

Mr. HEFLIN. Mr. Speaker—

The SPEAKER. The gentleman from Alabama, chairman of the Committee on Industrial Arts and Expositions, is recognized.

Mr. HEFLIN. I desire to call up House concurrent resolution No. 11, with a favorable report from the Committee on Industrial Arts and Expositions.

The SPEAKER. The Clerk will report the resolution.

Mr. MANN. Mr. Speaker, I make the point of order that the committee has been passed.

Mr. GARRETT. It has not been passed.

Mr. HEFLIN. I did not know that another committee had been called by the Clerk.

Mr. MANN. The committee has been called and passed and another committee called and passed.

The SPEAKER. The Clerk informs the Chair that the Committee on Industrial Arts and Expositions has been passed.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that we return to the call of the Committee on Industrial Arts and Expositions. There was so much confusion we could not hear.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the House return to the Committee on Industrial Arts and Expositions. Is there objection?

Mr. MANN. Reserving the right to object, I may say that the House was unusually quiet while those committees were being called and everybody could hear. I would like to ask the gentleman what resolution or bills he desires to call up?

Mr. HEFLIN. I really did not intend to call up the resolution at this time. The resolution extending an invitation to foreign countries to attend the exposition to be held at San Diego, Cal., is on the calendar, and a resolution inviting foreign countries to attend the celebration of the completion of the Florida East Coast Railroad, which connects the mainland with the city of Key West, in the State of Florida.

Mr. MANN. That is for the purpose of advertising Standard Oil money, I believe?

Mr. HEFLIN. I never heard of that before. It is certainly the completion of a great engineering enterprise. I will state further to the gentleman that a moment ago, when this committee was reached, I asked the Speaker's clerk to allow it to be passed for the present. The gentleman from Illinois [Mr. MANN] probably did not hear that.

Mr. SIMS. May I ask the gentleman a question? Does the passage of this resolution involve the expenditure of any money on the part of the Government?

Mr. HEFLIN. None whatever. It is approved by the Secretary of State.

Mr. SIMS. Does it involve, directly or indirectly, the expenditure of any money?

Mr. HEFLIN. Not a cent. The resolution provides that it shall not cost the Government anything.

Mr. MANN. The gentleman has his two resolutions on the resolution of the gentleman from Texas [Mr. HENRY] for a special order, and I expect that will be reached in due time. In order that we may reach business of importance before the House on this calendar, I shall object.

The SPEAKER. The gentleman from Illinois objects.

The Clerk further proceeded with the call of committees.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I would be glad to dispose of the remaining bridge bills that were not reached on Monday.

The SPEAKER. The gentleman may call them up.

#### BRIDGE ACROSS TUG FORK, BIG SANDY RIVER, W. VA.

Mr. ADAMSON. Mr. Speaker, I would like to call up first the bill (H. R. 4682) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va. It is House Calendar No. 17.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4682) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.

*Be it enacted, etc.*, That the Glenhayes Co., a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or within 1 mile of the station of Glenhayes, in Wayne County, W. Va. (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters."

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Strike out, in the title, the words "railroad, tramroad, conveyor, wagon, or foot."

Strike out, on page 1, line 4, the word "it" and insert in lieu thereof the word "its."

Strike out, on page 1, line 5, the word "they."

Strike out, on page 1, line 6, the words "railroad, tramroad, conveyor, wagon, or."

Strike out, on page 1, line 7, the word "foot."

Insert, on page 1, line 8, after the word "River," the words "at a point suitable to the interests of navigation."

Strike out, on page 1, line 8, after the word "or," the words "within one mile of the station of."

Insert, on page 1, line 9, before the word "Glenhayes," the word "near."

Strike out, on page 1, lines 9, 10, and 11, the words "(where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia."

Insert, on page 1, line 13, after the word "waters," the words "approved March 23, 1906."

Add a new section as follows:

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless there is a demand for a separate vote on each one of these amendments the Chair will put them in gross. The question is on the adoption of the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va."

#### BRIDGE ACROSS THE SNAKE RIVER, OREG.

Mr. ADAMSON. Mr. Speaker, I ask to take up next Calendar No. 18, the bill (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.

*Be it enacted, etc.*, That the county commissioners of Malheur County, State of Oregon, and the town of Nyssa, Malheur County, Oreg., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a wagon and foot bridge, and approaches thereto, across the Snake River, at a point suitable to the interests of navigation, at the town of Nyssa, Oreg.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Add, after the word "Oregon," in line 9, page 1, the words "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

Add a new section, as follows:

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless a separate vote is demanded on the amendments the Chair will put the amendments in gross. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

## BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. ADAMSON. Mr. Speaker, I call up, by the same authority, the bill (H. R. 2954) to authorize the construction, maintenance, and operation of a bridge across the Arkansas River, and for other purposes.

The SPEAKER. The Clerk will report the bill.

Mr. ADAMSON. Mr. Speaker, I desire to move to lay that bill on the table and substitute for it the Senate bill, which is identical in terms.

The SPEAKER. Without objection, the House bill will be laid on the table.

Mr. MANN. Reserving the right to object, I should like to inquire of the gentleman from Georgia where the Senate bill is and what is the number of it?

Mr. ADAMSON. It is Senate bill 1627.

The SPEAKER. The gentleman from Georgia will suspend until the Chair can announce the situation. The gentleman asks that the House bill just reported be laid on the table, and he moves the passage of the corresponding Senate bill.

Mr. MANN. He calls up the Senate bill, as he has the right to do.

The SPEAKER. If there be no objection, the House bill will lie on the table, and the Clerk will report the Senate bill.

The Clerk read the bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, as follows:

*Be it enacted, etc.,* That the Muskogee & Fort Gibson Bridge Co., a corporation of the State of Oklahoma, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across and over the Arkansas River, at a point suitable to the interests of navigation, at or near the city of Muskogee, Muskogee County, Okla., in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

## BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, MINGO COUNTY, W. VA.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 11477) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Blackberry, Kentucky & West Virginia Coal and Coke Co., a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across Tug Fork of the Big Sandy River at the point where Blackberry Creek empties into the said river, at or within 1½ miles of the station of Matewan, Mingo County, W. Va. (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters."

The SPEAKER. The Clerk will report the amendments proposed by the Committee on Interstate and Foreign Commerce.

The amendments were read, as follows:

Insert, after the word "at," on page 1, line 9, the words "a point suitable to the interests of navigation at or near."

Strike out, in line 10, page 1, the words "at or" and insert in lieu thereof the word "and."

Strike out, in lines 11 and 12, page 1, and line 1, page 2, the words "where the same forms the boundary line between the States of Kentucky and West Virginia, in the State of West Virginia."

On page 2, line 3, after the word "waters," add the words "approved March 23, 1906."

Add a new section as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless a separate vote is demanded on some particular amendment or amendments, the Chair will put them in gross.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I have an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment.

Mr. MANN. In line 7, on page 1, I move to strike out the words "railroad, tramroad, conveyor, wagon, or foot."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 7, strike out "railroad, tramroad, conveyor, wagon, or foot."

Mr. MANN. Mr. Speaker, I think it was clearly an inadvertence on the part of the committee that they did not offer an amendment striking out those words.

Mr. ADAMSON. I have no objection to the amendment.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. MANN. I move to amend the title by striking out of it the words "railroad, tramroad, conveyor, wagon, or foot."

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title by striking out the words "railroad, tramroad, conveyor, wagon, or foot."

The amendment to the title was agreed to.

## BRIDGE ACROSS MISSOURI RIVER, ST. CHARLES, MO.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 6738) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of St. Charles, Mo.

The Clerk read the title of the bill.

Mr. ADAMSON. Mr. Speaker, this bill is one which I understand was introduced at the request of the Speaker.

The SPEAKER. The Chair will ask the gentleman to move to lay that bill on the table, because a similar one was passed yesterday.

Mr. ADAMSON. I will ask unanimous consent to pass it for the present, until we can be sure about that.

Mr. MANN. It was a different bill that was passed.

The SPEAKER. I do not want to have that bill passed. I prefer to have it laid on the table.

Mr. HAMLIN. I move that the bill be laid on the table.

The motion was agreed to.

## BRIDGE ACROSS HIWASSEE RIVER AT CHARLESTON AND CALHOUN, TENN.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 7263) to authorize the counties of Bradley and McMinn, Tenn., by authority of the county court, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said county.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the counties of Bradley and McMinn, Tenn., by authority of their county courts, be, and they are hereby, authorized to construct, maintain, and operate a free bridge, and approaches thereto, across the Hiwassee River at the town of Charleston, in Bradley County, to the town of Calhoun, immediately across the Hiwassee River, in McMinn County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Amend the bill as follows:

Insert, after the word "at," on page 1, line 6, the words "a point suitable to the interests of navigation at or near."

Insert, after the word "River," on page 1, line 8, the words "at a point suitable to the interests of navigation."

The SPEAKER. Unless a separate vote is demanded on the committee amendments the Chair will put them in gross.

Mr. MANN. Mr. Speaker, I notice on page 1, line 7, the language reads "at a point suitable to the interests of navigation at or near the town of Charleston, in Bradley County, to the town of Calhoun." I suggest that to make the language proper it should read "from the town of Charleston to the town of Calhoun."

Mr. ADAMSON. That language is a clerical error.

Mr. MANN. Not of the committee, but of the War Department. Mr. Speaker, I move to amend the first amendment by striking out the words "at or near" and inserting in lieu thereof the word "from."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out in line 7 the words "at or near" and insert the word "from."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The question is on the other committee amendment.

Mr. MANN. Does the gentleman from Georgia want this second amendment? You already have it in at one point.

Mr. ADAMSON. No; I consider that entirely unnecessary.

The SPEAKER. The question is on the second committee amendment.

The question was taken, and the second committee amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

## BRIDGE ACROSS ROCK RIVER NEAR COLONA FERRY, ILL.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 8146) to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the counties of Henry and Rock Island, in the State of Illinois, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Colona Ferry, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

## BRIDGE ACROSS THE ST. CROIX RIVER, WIS. AND MINN.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 11723) permitting the building of a railroad bridge across the St. Croix River, between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Twin City & Lake Superior Railway Co., a railway corporation organized under the laws of the State of Wisconsin, its successors and assigns, to build a railroad bridge across the St. Croix River from a point on the south bank of said river in the vicinity of the section line between sections 5 and 6, township 40 north, range 17 west, Burnett County, Wis., to a point on the north bank of said river in the vicinity of the section line between sections 5 and 6, township 40 north, range 17 west, in Pine County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1896.

Sec. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of the approval of this act.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Amend the bill as follows:

Insert, after the word "point," on page 1, line 7, the words "suitable to the interests of navigation."

Strike out, in line 2, page 2, the words "eighteen hundred and ninety-six" and insert in lieu thereof the words "nineteen hundred and six."

Strike out, in line 5, page 2, the word "two" and insert in lieu thereof the word "three."

Mr. MANN. Mr. Speaker, I desire to ask the gentleman from Georgia if section 2 of the bill as drawn is not entirely unnecessary?

Mr. ADAMSON. I have no doubt of it, but the gentleman insisted upon putting it in. I think it is entirely unnecessary to repeat in the bill provisions that are in the general act.

Mr. MANN. Mr. Speaker, I move to amend by striking out section 2.

The SPEAKER. The question is on the motion of the gentleman from Illinois to strike out section 2.

The question was taken, and the amendment was agreed to.

Mr. MANN. I move to amend by changing section 3 to section 2.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to change section 3 to section 2.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I would ask the gentleman from Georgia if he would object, after the bill is passed, to amending the title so that it would indicate the counties between which this bridge is to be built. We passed on Monday a bill with precisely the same title that this bill has, and there I offered an amendment, which was agreed to, fixing the counties, so that one can distinguish between the two bills by an examination of the titles, which means that when the index is made up to the Statutes at Large you can find the bill by the index, but if you have two bills with precisely the same title, but covering entirely different subjects, it makes it confusing.

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman from Wisconsin [Mr. LENROOT], the author of the bill, to reply to that.

Mr. LENROOT. Mr. Speaker, I have no objection to that.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out the words "the States of Wisconsin and Minnesota" and inserting in lieu thereof the words "Burnett County, Wis., and Pine County, Minn."

The SPEAKER. The question is on agreeing to the amendment to the title.

The question was taken, and the amendment was agreed to.

## BRIDGE ACROSS MISSISSIPPI RIVER AT PRAIRIE DU CHIEN.

Mr. ADAMSON. Mr. Speaker, I call up the bill S. 850, to amend an act entitled "An act to legalize and establish a pon-

toon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act approved June 6, 1874, legalizing and declaring a lawful structure the pontoon railway bridge across the Mississippi River at Prairie du Chien, Wis., be, and is hereby, so amended as to permit its rebuilding and relocation, with pontoon draw openings in the two channels of said river, of shorter length: *Provided,* That the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. MANN. This is to amend an old act which was to legalize and establish a pontoon railway bridge across the Mississippi River at two places, so as to permit, as I understand, the rebuilding and relocation of the bridge at Prairie du Chien. There seems to be no other information given in reference to the matter.

Mr. ADAMSON. Is not the Senate report there?

Mr. MANN. The Senate report is not very satisfactory in so far as it gives information.

Mr. ADAMSON. Then I will ask the gentleman from South Dakota [Mr. BURKE] to reply to the question of the gentleman from Illinois.

Mr. MANN. Who owns this bridge? There is nothing in the original act and nothing in this act apparently to indicate that, and I think we ought to know in reference to that.

Mr. BURKE of South Dakota. Mr. Speaker, as I understand it, the Milwaukee Railway Co. is the owner of the bridge. They have a bridge there now, and this is to authorize the construction of a new bridge. If it is constructed under the old act of 1874 they would be compelled to construct a bridge of antiquated type, and they desire to construct one under more modern plans than under the old act. That is my understanding.

Mr. MANN. Very well.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

## BRIDGE ACROSS CALUMET RIVER, IND.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 2878) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2878) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

*Be it enacted, etc.,* That the Chicago, Lake Shore & Eastern Railway Co., a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Calumet River, at a point suitable to the interests of navigation, in the northeast quarter of section 3, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

## BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I call up the bill S. 2766.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River in the State of Arkansas, and for other purposes.

*Be it enacted, etc.,* That the St. Louis, Iron Mountain & Southern Railway Co., a corporation created and existing under and by virtue of the laws of the States of Missouri and Arkansas, is hereby authorized to construct, maintain, and operate a bridge across and over the St. Francis River in the State of Arkansas at such point in section 25, township 3 north, range 4 east, in Lee County, in said State, suitable to the interests of navigation, as may hereafter be selected by said company for crossing said river with its railway line, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I notice in the report of the Chief of Engineers on this bill he says:

In this connection it is deemed proper to invite attention to the fact that by an act approved February 18, 1903, Congress authorized the Memphis, Helena & Louisiana Railway Co. to build a bridge across the St. Francis River at the location specified in the bill under consideration. It is assumed that the bridge thus authorized has not been constructed. If so, the act has expired by limitation and the measure now proposed is probably intended to replace it.

I think the Chief of Engineers is subject to criticism for not knowing whether the bridge authorized by a previous act has been constructed. That is what these bills are referred to him for, for information, and he has facilities for ascertaining that fact officially throughout the country. Now, it is proposed here, without knowing, so far as the House is informed, to grant one company a right to build a bridge where previously they have granted another company at the same place the right to build a bridge. Well, I am going to assume what the Chief of Engineers did, because I have no other way of ascertaining except through Members of the House. When these bills are referred to the War Department they ought to ascertain the facts and report them to the gentleman's committee.

Mr. ADAMSON. Mr. Speaker, it is true we have no definite official information, but through outside sources we understand the assumption is correct, and therefore we felt authorized to report the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

#### BRIDGE ACROSS PEND OREILLE RIVER, WASH.

Mr. ADAMSON. Mr. Speaker, I ask now to take up the bill S. 144, Calendar No. 41.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 144) to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Idaho & Washington Northern Railway Co., a corporation of the State of Idaho, its successors and assigns, to maintain and operate a bridge and approaches thereto now constructed across the Pend Oreille River, at or near where said river flows through Box Canyon in Stevens County, in the State of Washington, such maintenance and operation to be subject to, and in accordance with, the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That in the judgment of the Chief of Engineers and the Secretary of War the bridge as built provides suitable and proper facilities for present and prospective navigation and is in all respects satisfactory to navigation interests; and if, in their judgment, any changes in said bridge are necessary to meet the aforesaid conditions, such changes shall be immediately made by the said company at its own expense: *Provided further*, That drawings showing the plans and location of the said bridge as built shall be filed in the War Department within 30 days of the approval of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I question very much whether this bill ought to be passed at all. We provided in the general bridge act for certain powers and authority on the part of the Secretary of War, and provided that the applicant for a bridge shall file an application and specifications, with maps of the surrounding ground. We passed a bill two years ago, at the special session then, August 8, granting to this company, the Idaho & Washington Northern Railway, to build a bridge at this place across the river in accordance with the general bridge act. Under that act they were authorized to commence work within one year. All they had to do within the year was to file their plans and specifications and probably receive the approval of the War Department and commence the work within the year; but with an utter disregard of the law, and possibly—I do not know—but possibly to obtain better terms than they could obtain from the War Department, they proceeded to build the bridge without complying with the provisions of the law, without filing their plans and specifications with the War Department and receiving the approval of that department.

The War Department reports, under date of December 24, 1910, more than a year after the bridge has been authorized, that several months after the expiration of the time limit for commencing construction the grantee applied to the department for approval of plans for the location of the structure, which application, under the law as it stands, could not be given favorable consideration. Moreover, within the past few days, since the aforesaid application was received and denied, it has come to the knowledge of the department that the bridge has already been built, having been completed in October last, two months before the plans were submitted. Why the department was not advised of this fact before, why the grantee failed to comply with the law, is not known. The character of the bridge built is also unknown. Now, while this bill provides that the bridge must be suitable to the interests of navigation, it is a very different thing for these gentlemen to complete a bridge

regardless of prior approval by the War Department, and afterwards obtain approval by Congress in the face of the law, subject to the department ordering the removal of the bridge if it is unsuitable to the interests of navigation. I think some gentleman ought to give some explanation of this flagrant disregard of the law before we pass a bill condoning the offense.

Mr. ADAMSON. Mr. Speaker, I do not care to consume much time of the House in defending this proposition. There may have been a good deal of ignorance. I do not know whether or not there was any contrariness or willful disregard of the law. It has not been made apparent, but the situation, as I understand it, is that a bridge has been built not in conformity with the law. The question is, Shall the War Department order the removal or destruction of that bridge or shall it be legalized? It appears to us that it is better to permit the owners to conform to the law, have their specifications approved, comply with the requirements of the War Department, and go on and use a legal bridge.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time, and, having been read a third time, was passed.

On motion of Mr. ADAMSON, a motion to reconsider the votes by which the various bills reported by the Interstate and Foreign Commerce Committee were passed was laid on the table.

#### WATERSHED OF NAVIGABLE STREAMS.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to take up House joint resolution 117. I was absent when the Committee on Agriculture was called.

The SPEAKER. The gentleman from Virginia asks unanimous consent to return to the Committee on Agriculture, on the ground that he was absent when the committee was first called.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to inquire the title of the bill which the gentleman desires to call up?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] will suspend. The Chair will state to the gentleman from Virginia [Mr. LAMB] that the Committee on Agriculture has not been reached on the call.

Mr. LAMB. Thank you, sir. I was informed that it had.

#### CALL OF COMMITTEES.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to inquire in what order these committees are being called.

The SPEAKER. They are being called seriatim from the printed list, beginning where the call rested.

Mr. GARRETT. They are called in accordance with the way the committees are named in the book of rules.

The SPEAKER. They are being called in the regular order.

Mr. GARRETT. Yes.

The SPEAKER. The Committee on Accounts was the first committee called. That was where the call began, and it goes around until we get back to the Committee on Accounts, if there is sufficient time.

Mr. STEPHENS of Texas. I understand, Mr. Speaker.

The SPEAKER. They are not called alphabetically. They are called in the regular order. The Clerk will call the next committee.

#### IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

Mr. SPARKMAN (when the Committee on Rivers and Harbors was called). Mr. Speaker, I call up Senate bill 943, Calendar No. 35.

The SPEAKER. The Clerk will report the bill.

Mr. SPARKMAN. Mr. Speaker, I do not know whether this is just the time to do it or not, but I desire to ask unanimous consent to consider this bill in the House as in Committee of the Whole, it being on the Union Calendar.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. MANN. Mr. Speaker, I shall object to that. This is one of the most important bills of its kind that has been before the House for years.

The SPEAKER. The gentleman from Illinois objects.

Mr. SPARKMAN. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The SPEAKER. The gentleman from Florida moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering Senate bill 943.

Mr. GARRETT. Mr. Speaker, I make the point of order that the House automatically goes into Committee of the Whole. It does not require a motion.

The SPEAKER. The point of order is made that the House goes into Committee of the Whole automatically. The gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. PAGE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of Senate bill 943. The Clerk will report the title.

The Clerk read as follows:

Senate bill 943, an act to improve navigation on Black Warrior River, in the State of Alabama.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Mr. Chairman, I object. The bill has just been reported, and I would like to have time to read it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

An act (S. 943) to improve navigation on Black Warrior River, in the State of Alabama.

*Be it enacted, etc.*, That for the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56.8 miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same, the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17 so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now proposed.

Sec. 2. That in order to enable the Secretary of War to exercise the discretion above conferred, he is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to pass upon the construction of Lock and Dam 17, the crest of said dam to be 63 feet above the pool level of Lock and Dam 16, at the same time creating a slack-water pool submerging all shoals on the Black Warrior River to the foot of Sanders Shoals and furnishing not less than 7 feet of water at Cordova and also at the foot of Sanders Shoals, and also thereby providing for and extending navigation up the Locust Fork of the Black Warrior River as far as the pool level will reach to the mouth of Village Creek, near Palos, located in section 28, township 16, range 5 west, in Jefferson County, Ala., by extending the slack-water pool and submerging all shoals at low-water stages to a point near the mouth of said Village Creek.

Sec. 3. That the Secretary of War is authorized in his discretion to suspend operations during investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17 providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

Sec. 4. That should the construction of dam at site 17 be found advisable the appropriations and authorizations heretofore made for the costs of locks and dams on the Warrior River shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

Sec. 5. That for the purpose of securing the performances and obligations of the company imposed by this act the Secretary of War is authorized and empowered to enter into a contract with said company for the purpose of more efficiently carrying out the stipulations and performances herein mentioned. And it shall be provided in said contract that for and in consideration of the aid to and improvement of the system of navigation of the Black Warrior River by the company from the construction and operation of its plant and works the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 99 years, electrical power stations and other structures, including turbo-generator intakes, equipped with double gates and valves at a level in said dam with the turbine water-wheel penstocks, for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power created with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power to persons and private and municipal corporations and associations: *Provided*, That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower realized and developed from the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17.

Mr. HAY. Mr. Chairman, I move to dispense with the further reading of the bill.

The CHAIRMAN. Unanimous consent is required.

Mr. HAY. That is what I desired. I ask unanimous consent.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. MANN. Mr. Chairman, I object. I objected before. I would like to have time enough to read the bill. Somebody certainly ought to read it.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill, as follows:

*And provided further*, That the company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed in connection with said improvements of Lock and Dam 17.

Mr. ELLERBE. Mr. Chairman, I ask unanimous consent to dispense with the reading of the Senate bill and to have read in lieu thereof the substitute offered by the Committee on Rivers and Harbors.

The CHAIRMAN. That question has been submitted before and objection has been made, but the Chair will submit it again.

Mr. ELLERBE. Mr. Chairman, I did not hear objection made.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to dispense with the further reading of the Senate bill and to have the House substitute read in lieu thereof.

Mr. MANN. Mr. Chairman, I would like to suggest to the Chair that this bill was reported into the House only on the day before yesterday. A correct reprint of the bill has appeared in the document room only within the last 15 minutes, and it seems to me going a long way to avoid reading a bill of this character before Members have had a chance to examine it, and then to proceed to a discussion and vote on the bill without a chance having been given for the reading of it.

Mr. SPARKMAN. Mr. Chairman, I have no objection to the suggestion of the gentleman.

Mr. UNDERWOOD. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. MANN] that inasmuch as it is proposed to consider the House bill instead of the Senate bill, it would be proper to have the House bill read.

Mr. MANN. Mr. Chairman, inasmuch as this bill must go into conference if passed in the House, it is quite important that the Members have an opportunity to know what the differences are between the House and the Senate.

Mr. UNDERWOOD. I will say to the gentleman that the bill is before the Members on their desks.

Mr. MANN. Yes. They can read it while the Clerk reads it; but if the Clerk does not read it, how can the Members read it?

Mr. UNDERWOOD. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill, as follows:

It shall be further provided in said contract that the company, its successors and assigns, shall pay to the Government an additional rental or royalty of 50 cents per horsepower per annum for all power sold in addition to the 5,000 horsepower above mentioned for additional power created at Locks 16 and 17 by the company's storage and impounding dam, power stations, and works, to be located at the head of Sanders Shoals, on the Black Warrior River, and more particularly described as being in the center of section 23, township 14, range 6 west, in the northeast corner of Walker County, Ala., 56.3 miles above Lock 17; the Government to have free access to the company's books and power and curve load sheets for the purpose of ascertaining and calculating the amount of additional power produced and sold by the company from its storage reservoirs at said locks, it being understood that, beginning with the year 1920, the minimum rental to be paid for to the Government by the company shall be on the basis of 15,000 horsepower. And the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within one year and completed within 10 years from date of approval hereof.

Sec. 6. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time disturb the pool level made by the erection of Dam 16, nor shall the pool level of Dam 17 be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; and at no time shall the company make any claim against the United States for failure of water power from any cause whatsoever. That the work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers and the Secretary of War, the structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States; and to insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government all lands to be flooded and temporarily overflowed and erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, so much of said bond as was required for the performance of said acts shall cease or be reduced to an amount not to exceed \$50,000.

SEC. 7. That nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operations of said locks or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States Government or the maintenance of the water surface above the dam at the established minimum pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of said water power and the operations of the plant and force employed in connection therewith, so far as the same applies to the operation of the locks.

SEC. 8. That all repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time be inimical to the interests of navigation: *Provided*, That in case navigation interests be threatened at any time by the condition of such works, and the company shall not immediately respond to the demand of the Secretary of War for their repair, the said Secretary of War is hereby authorized and empowered to enter upon such works and cause them to be repaired in a proper manner, and to charge the cost of such repairs against the company, and to collect the same from the company.

SEC. 9. That nothing in this act shall be construed as in any way interfering with the jurisdiction over and control by the United States of the navigable portion of the Warrior or Black Warrior River, and the navigation and traffic thereon, the control of which the United States hereby reserves to itself, and of the dams and locks therein to be erected for the joint purpose of navigation and water power, nor of repealing or modifying any of the provisions of law now existing in reference to the protection of navigation.

SEC. 10. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The CHAIRMAN. The Clerk will report the committee amendment.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17, on the Black Warrior River, Ala., so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now authorized, and so as to provide for the extension of slack water up the Mulberry and Locust Forks of the Black Warrior River to Sanders Shoals and Nichols Shoals, respectively, and for the development of water power.

"SEC. 2. That the Secretary of War is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to carry into effect the purposes of this act, and he is further authorized in his discretion to suspend operations during his investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

"SEC. 3. Should the construction of the higher dam at site 17 be found advisable the appropriations and authorizations heretofore made for the cost of locks and dams on the Black Warrior, Warrior, and Tombigbee Rivers, Ala., shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

"SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: *Provided*, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks and for the lighting of the Government grounds and houses situated at said locks. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of \$1 per annum per horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period. Payment for the power developed at each dam shall begin one year after the locks and dam at 17 shall have been completed. Beginning with the year 1920, the minimum rental to be paid to the Government by the company shall be on the basis of 15,000 horsepower. The company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith, subject to regulation by the Secretary of War. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed by reason of the construction of Dam 17. The Government shall have free access to all the books of the company and all other records necessary for ascertaining and calculating the price, rates, and amount of power produced, developed, or sold by the company at said locks and at its storage reservoir. The contract shall further provide that the works herein contemplated, except the storage reservoir at or near Sanders Shoals, on the Mulberry Fork of the Black Warrior River, shall be commenced within one year and that the power-house foundations to be constructed by the company as a part of the dam shall be completed at least as soon as Dam 17. The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters, as amended by the act of June 23, 1910: *Provided*, That the construction of said dam and reservoir shall be commenced within 1 year after the completion of Dam 17, and shall be completed within 10 years from the date of approval of this act.

"SEC. 5. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regula-

tions as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time lower the pool level made by the erection of Dam 16, nor the pool level of Dam 17 below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; the United States shall not be liable to said company for any failure of water power from any cause whatsoever. The work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers and the Secretary of War. To insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government flowage rights over all lands to be flooded and temporarily or permanently overflowed and shall have erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, said bond may be reduced to an amount not to exceed \$50,000.

"SEC. 6. That all repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time interfere with the interests of navigation: *Provided*, That whenever, in the opinion of the Secretary of War, the condition of said works endangers the interests of navigation, he shall notify the said company to repair the same, and if the company shall not immediately comply with the demand of the Secretary of War to make such repairs, he is hereby authorized and empowered to enter upon such works and cause them to be repaired; and the expense thereof shall constitute a debt against said company, its successors or assigns, and a lien upon all its property.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. SPARKMAN. Mr. Speaker, if I can have the attention of the committee for a short time, I think I can explain this measure to the satisfaction of the House. At least I hope I may be able to do so.

The Black Warrior River is formed by the union of what is known as the Mulberry and Locust Forks, which come together 20 or 25 miles almost west of Birmingham, Ala. The Black Warrior River, the Warrior River, and the Tombigbee River, practically one and the same, have been under improvement for several years, the Government having undertaken the task of canalizing those streams by the construction of a series of locks and dams, 19 in number. The most of these have been completed. Lock 16 is now under contract and under construction. Lock 17 is under contract, but I believe no work has as yet been begun upon that lock and dam, certainly none of any consequence.

Appropriations, however, have been made for the completion of these dams and locks, including locks 16, 17, 18, and 19.

Some two years ago, however, Congress, realizing the importance of a survey for the purpose of extending slack water up into Mulberry and Locust Forks, 36 miles up the one to a place known as Sanders Ferry, and about 26 miles up the other to a place known as Five Mile Creek, authorized a survey which has been made, and the report thereon is now before Congress. This report recommends alternatively one dam with a lock of 14 feet lift in Mulberry Fork, and two dams in Locust Fork or a single dam 42 feet high at the site of Dam 18, either of which carries a 6-foot navigation up to Sanders Ford and about 20 miles up Locust Forks. In the meantime the company mentioned in the bill came forward with a proposition that they be permitted to develop and utilize the water power there which is going to waste. They stated that if a dam could be constructed at the site of Dam 17, 63 feet high, instead of the one 21 feet high recommended by the Government, this 63-foot dam would do away with the necessity for the construction of all the dams above, with the exception of the upper one in Locust Fork, which they thought might wait indefinitely.

To meet this suggestion on the part of the company, the bill now under consideration was introduced in and passed the Senate. Being referred to our committee, it has been reported here with the amendment just read.

Now, it is the opinion of our committee that this is a wise proposition, as it would afford the same depth and cost the Government very little more than either one of the two alternative propositions just mentioned. A dam 42 feet high at the site of Dam 18 would cost something like \$1,737,000, while the 63-foot dam at 17, with two locks, would cost the Government only about \$150,000 more. But if this plan is adopted, in 10, 15, or 20 years at most this \$150,000 will have been paid back in rentals to the Government by the company that is proposing to develop this power.

The advantages in favor of the company's proposition are, first, the shortening of the time of construction. It has been said, and I can readily believe, that in the way we have been going on it will require 8 or 10 years to construct those dams. But if we can build one dam 63 feet high that will do away with all the rest and thus shorten, as it evidently will, the period of construction and develop the power, it seems to me it is the proper thing to do. I may add that it is estimated that

this one dam can be finished in two years, thus giving the people of that section the benefit of navigation much earlier than they otherwise would have it.

Mr. MADDEN. Will the gentleman yield?

Mr. SPARKMAN. I will yield to the gentleman.

Mr. MADDEN. How much more will it cost the Government for improvement of the river in which the dam is to be erected if the dam is erected under the contract than it would cost if the contract was not entered into?

Mr. SPARKMAN. It is owing to what course we pursue with reference to the new projects recommended by the engineers. If we should follow their recommendation and construct Dam 18 42 feet high, it would cost less by about \$140,000 than to construct the dam 63 feet high at Lock 17. But this 63-foot dam will cost less by several hundred thousand dollars than the old project will cost. I think it would cost \$300,000 more to construct the dams according to the old project than it would to construct the higher dam at site 17.

Mr. TAYLOR of Alabama. I want to state to the gentleman, in answer to the gentleman from Illinois—

Mr. MADDEN. If the gentleman will pardon me, I have just one more question. Does the authorization of the construction of this dam for the development of water power give any greater depth to navigation than would be otherwise obtained?

Mr. SPARKMAN. No; it is the same depth as that which would be obtained under either of the later alternative propositions. The main thing in favor of this proposition is that it does away with the construction of the other dams, makes them unnecessary; also shortens the time, and will cost less to construct the one than it will to construct them all.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman inform the committee, if he can, whether there is any precedent for the Government entering into a contract of this kind with a water-power company, or is this a new proposition?

Mr. SPARKMAN. If the gentleman asks if it is a new proposition for the Government to enter into contracts with parties for the development of power, I will say no. But if he is asking whether it is a new proposition to bring it in in this way outside of a general river and harbor bill, perchance it may be.

Mr. MOORE of Pennsylvania. I want the gentleman to explain, because it has been commented upon on this side whether any bill of this kind has been presented to the House before. Is the Government now in actual business relations with a water-power company such as is proposed here?

Mr. SPARKMAN. Yes; there has been more than one proposition similar to this before Congress. Perhaps the language or verbiage of the bill authorizing it may not be just like the verbiage here, but the substance was the same.

Mr. YOUNG of Michigan. If the gentleman will allow me, I want to say, partially in answer to the gentleman from Pennsylvania, that in the river and harbor bill passed some time since we provided for a similar arrangement at the Sault Ste. Marie, where the Secretary of War was directed to lease water power created by dams built there.

Mr. DAVIDSON. Mr. Chairman, I would say further than that, that the Cumberland River project is similar to it, and Lock 4 in the Coosa River is similar.

Mr. MOORE of Pennsylvania. What is the rate per horsepower for the water used by the people under this bill?

Mr. YOUNG of Michigan. That was left to the Secretary of War.

Mr. MOORE of Pennsylvania. It is fixed here at \$1. Does the gentleman think that is a proper rate?

Mr. YOUNG of Michigan. I think that is the same rate as on the Coosa.

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. If the gentleman will permit one more question I think it will help the situation, as several gentlemen here have inquired about it. It is proposed, on page 12 of the bill, to give the Government free access to all the books of the company in order that it may make an inspection as to prices, and so forth. Has the committee in any previous bill gone beyond the supervision as provided in this bill to the extent that the profits of the company shall be limited, or that the rates to be charged by the company to the consumer shall be fixed? As this reads, it would appear that the contracting company has unlimited power with regard to the rates it shall charge consumers of the water.

Mr. SPARKMAN. That matter was discussed, but it was thought best not to interfere with it just at this time. I am under the impression that the Secretary of War has the right, anyway, to recommend those things. I think he has that right under the general dam act, probably.

Mr. MOORE of Pennsylvania. The bill proposes a contract that shall exist for 50 years?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. And proposes that the Government shall get out of that contract, in consideration for all of its expenditures in the work of construction, a sum fixed at the rate of \$1 per annum per horsepower?

Mr. DAVIDSON. For the first 20 years, when there will be a revaluation and a rearrangement of prices, controlled by the Secretary of War, and at the end of each 10-year period thereafter.

Mr. MOORE of Pennsylvania. If this bill should pass, would it not be in the power of the contracting company to oppress the consumers of the water and to sustain a monopoly which would deprive users of the water along the route?

Mr. SPARKMAN. Oh, I do not think so.

Mr. MOORE of Pennsylvania. The gentleman says that the Coosa River proposition is a precedent in point.

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. And that similar terms were made in that instance.

Mr. SPARKMAN. There are several other instances.

Mr. MOORE of Pennsylvania. So that in the matter of principle this is not new.

Mr. SPARKMAN. Not new, by any means.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. BUTLER. I understand that the minimum payment here is to be \$15,000 per year?

Mr. SPARKMAN. After a certain time; yes.

Mr. BUTLER. Can the gentleman tell us about how much horsepower might be developed there?

Mr. SPARKMAN. It is rather difficult to get at it, but the engineers tell us it will be somewhere in the neighborhood of fifteen or sixteen thousand horsepower. In other words, while it may go beyond that for a certain period of the year, perhaps as high as 25,000 horsepower, for one month or two months, they can count on only fifteen or sixteen thousand horsepower continuously.

Mr. BUTLER. I asked the question so that we may have in our minds some idea of how much revenue the Government may receive from this scheme.

Mr. SPARKMAN. I understand.

Mr. BUTLER. Fifteen thousand dollars per year would be about what the Government might expect in the way of return.

Mr. SPARKMAN. According to the opinion of the engineers; yes.

Mr. BUTLER. In order to secure \$15,000 per year, how much will it cost the Government?

Mr. SPARKMAN. I was just about to give the cost. The primary cost will be something like \$140,000 more than if a dam 42 feet high were constructed, as the engineers have recommended, at the site of Dam 18; but it will cost much less than to construct all the locks and dams heretofore recommended. In other words, if we go ahead under the old project—

Mr. BUTLER. I understand that if this bill passes the Government will abandon the completion or the construction of two or three other locks or sets of locks.

Mr. SPARKMAN. About four of them; that is, it is left in their discretion to change from the old project and conform to this bill.

Mr. BUTLER. Of course, the Government will make by that abandonment.

Mr. SPARKMAN. Yes.

Mr. BUTLER. Can the gentleman tell us about how much money the Government will save by abandoning those four locks?

Mr. SPARKMAN. Well, as I say, the Government will save several hundred thousand dollars, some \$300,000.

Mr. BUTLER. Has the gentleman figured out how much the Government will save in the way of actual expenditures if it abandons these four locks and builds Lock 17, as proposed here?

Mr. SPARKMAN. As I said awhile ago, something like—

Mr. BUTLER. If the gentleman can tell us how much these three locks will cost—

Mr. SPARKMAN. I said awhile ago it was about \$300,000, but my attention is called to some figures which indicate the saving will be \$257,514.

Mr. BUTLER. The Government will save that much in the first instance?

Mr. SPARKMAN. Yes.

Mr. BUTLER. Then it will take \$140,000 to complete this dam, as proposed?

Mr. SPARKMAN. No; the gentleman misunderstands me. I say it will cost less by \$257,000 to construct this high dam than if we go ahead and construct all the others. I am not referring to the 42-foot dam at site 18. It would cost \$140,000 more, or about that, to construct the 63-foot dam at 17 than it would cost to build the 42-foot dam at 18.

Mr. BUTLER. I understand, then, it will cost \$140,000 more to complete this Lock 17.

Mr. SPARKMAN. Yes.

Mr. BUTLER. But then I understand the Government will save some money, a good deal of money, by abandoning the construction of these other locks?

Mr. SPARKMAN. Yes; \$257,000.

Mr. TAYLOR of Alabama. Mr. Chairman, I would like to answer the question of the gentleman from Pennsylvania. The Government is not asked to abandon any locks. It is to flood with one lock where it would require four locks to raise the slack-water navigation up to that point. It simply floods it where it would require four locks. If they adopt the plan of Lock 18 and the 48-foot lift, it will cost \$140,000 more to raise the dam 63 feet at Lock 17 than to raise the dam 42 feet at Lock 18. Both of those engineering features will raise the level of slack water to flood Dam 19 and the dam on Mulberry Creek and one dam in Locust Fork, and the final result will be as a matter of navigation, if the gentleman wishes to understand it, that the Government will save by that transaction nearly \$1,000,000.

Mr. BUTLER. Now, that is what I have been endeavoring to learn. I understand that if Congress passes this proposed bill, it will result in a saving to the Government of a good deal of money. I understood the gentleman to say something like a million of dollars?

Mr. TAYLOR of Alabama. Something like a million dollars. The figures are here, which I will read in my time. [Cries of "Vote!"]

Mr. BUTLER. That is all I have to ask the gentleman.

Mr. CANNON. What is the total cost of this improvement altogether?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Illinois?

Mr. SPARKMAN. Certainly.

Mr. CANNON. What is the total cost of all this improvement to get this 6-foot slack-water navigation, two million, three million, or four million dollars? Just in round numbers. I do not care about its being absolutely accurate.

Mr. SPARKMAN. It will cost \$2,285,688 to construct all of these dams already adopted and Dam 20 in Mulberry Fork and the one in Locust Fork.

Mr. CANNON. The total improvement will, then, cost us between two and three million dollars in order to get a 6-foot slack-water navigation. How many miles of 6-foot slack-water navigation do we get?

Mr. SPARKMAN. About 46 miles above 17.

Mr. CANNON. What I am asking now is, How many miles of slack-water navigation will between two and three million dollars give us?

Mr. SPARKMAN. Say, 46 miles.

Mr. CANNON. But that has already been authorized.

Mr. SPARKMAN. Not all of it; no. We have only authorized of those upper dams the construction of dams at 17, 18, and 19, which would cost something like \$1,400,000.

Mr. CANNON. \$1,400,000. How many miles of slack water does that give?

Mr. SPARKMAN. That would give about 30 miles.

Mr. CANNON. About 30 miles. Now, then, with the addition of another million dollars proposed you would get about 16 miles more?

Mr. SPARKMAN. Yes; say, 16 miles.

Mr. CANNON. Substantially another million dollars?

Mr. SPARKMAN. Probably it is not so much as that. It will cost something more, of course, to carry slack water of 6-foot depth this extra 16 miles.

Mr. CANNON. If the gentleman will yield to me, I would like to make a single observation. We see that the Illinois & Michigan Canal, Chesapeake & Ohio Canal, and the Pennsylvania Canal have been substantially abandoned. Has the gentleman considered the question of how much it would cost if we could abandon this whole thing and make a double or a three track line of railroad down there?

Mr. SPARKMAN. Well, we have not considered that, because the Government has not yet entered upon the plan of building railroads.

Mr. CANNON. I see the gentleman from Indiana here, and that leads me to refer to the celebrated White Water Canal and the celebrated canal from Toledo to Evansville, which was built

when I was a boy. The towpath now has a railroad on it. I just wanted to say, if the gentleman will allow me this question, as to the extraordinary cost of slack-water navigation of between \$2,000,000 and \$3,000,000, and an additional \$1,000,000 for 16 miles more, and then only getting a 6-foot depth, I suppose that would not have been possible except it was originally authorized in a great omnibus bill?

Mr. SPARKMAN. We will get a 6-foot depth, with wonderful possibilities. These channels will go up into one of the finest coal fields in the country, and I risk nothing as a prophet, I think, in saying that there will be much more of commerce going down these streams when these locks and dams are completed than is going down some of the streams in this country that have cost \$50,000,000 or \$75,000,000.

Mr. CANNON. Possibly that is correct, but there is one town in my county that has an output by railroad transportation of over 3,000,000 tons of coal annually. I believe that is more than is estimated will go through the Panama Canal the first year.

Mr. SPARKMAN. You will find that condition in a good many places. Your location is no exception along that line.

Mr. CANNON. Now, the only practical thing about this is that the Government is committed to 30 miles of slack-water navigation. It seems to me the practical thing is whether we will now commit the Government to \$1,000,000 more for 16 miles farther.

And I would like in that connection, as we are making a contract with this proposed water-power company that is to run 50 years, to ask if we are bound to maintain all this improvement for 50 years under that contract in order that we may get \$15,000 a year in return for the horsepower? Frankly, I am not criticizing. I am merely suggesting and asking for information more than anything else, because I am not even a respectable tyro touching the river and harbor propositions scattered throughout the country.

Mr. SISSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Florida [Mr. SPARKMAN] yield to the gentleman from Mississippi?

Mr. SPARKMAN. I will.

Mr. SISSON. I would like to ask the gentleman from Florida who has charge of this bill, why the exclusive right is given to the Birmingham Water, Light & Power Co. to virtually monopolize this power for 50 years?

Mr. SPARKMAN. I am going to let some one else answer those questions, as they can do so more fully than I. But, in the first place, I would say for myself that I do not know of anyone else who wants this power, and, in the next place, in the very nature of things, if it is developed at all, it must be developed by somebody other than the Government, as the Government has not yet gone into that business.

Mr. SISSON. I am not criticizing the committee, but I would like to know why it should be given to this one company instead of a general law enacted authorizing the Secretary of the Treasury to receive bids upon this proposition. The proposition is to stand for 50 years. I would like to ask if the committee considered whether or not it would be better to leave it open to different companies which would be organized and which would use this power to be developed by the building of this great dam?

Mr. SPARKMAN. The committee considered almost every phase of the question, but no other company offered to develop or utilize this survey.

Mr. SISSON. Did the committee investigate the proposition as to whether other people might not take advantage of this opportunity if they were given the right to do so?

Mr. SPARKMAN. Our committee did not; no.

Mr. SISSON. One other question, Mr. Chairman. Did the committee investigate the cost or the value of water power in that section?

Mr. SPARKMAN. Oh, yes.

Mr. SISSON. What did you find that the company could sell this power for per horsepower?

Mr. SPARKMAN. They said they could sell it for \$20 per horsepower.

Mr. SISSON. Now, Mr. Chairman, one other question. Did the committee investigate what it would cost the company to install this plant in order to use the maximum of water power developed?

Mr. SPARKMAN. Oh, yes; but just what it is I can not state myself. I will say, however, that this matter was thrashed out before the subcommittee of which Mr. TAYLOR of Alabama was the chairman, and on those questions of detail he is better qualified to answer than I am. I am going to yield to him in a few minutes, and if the gentleman desires to renew those questions to him he can do so.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. CULLOP. Did your committee consider estimates as to what it would cost to build a railroad for these 16 miles or the length of additional navigation it would give?

Mr. SPARKMAN. No. There was no investigation as to that, so far as I know, because the Government is not committed to the building of railroads.

Mr. CULLOP. Could not a railroad be built for much less than the amount that the proposed improvement of this river would cost?

Mr. SPARKMAN. I fancy it could be.

Mr. CULLOP. It would not be giving much in the way of navigation with a depth of only 6 feet.

Mr. SPARKMAN. But the Government is not building railroads.

Mr. CULLOP. No; and the Government ought not to improve rivers for private enterprises and private companies.

Mr. SPARKMAN. It is not proposed to improve the river for private purposes. The primary purpose here is navigation, pure and simple, and the building of these locks and dams, or this one dam with its two locks, would improve navigation very much.

Mr. CULLOP. But necessarily there could not be much navigation in this matter; and if the coal is there, of which the gentleman speaks, a company that would develop the coal would readily build a railroad to carry that coal to market, just as they do elsewhere throughout the country.

Now, one other question: What reservation has been made, or what limitation has been made, to the charges to the public when this company gets its monopoly, as is proposed in this bill, in the distribution of its power?

Mr. SPARKMAN. Why, there is no limitation, so far as the bill is concerned.

Mr. CULLOP. That is, so far as this law is concerned, they can charge anything to the public that they want?

Mr. SPARKMAN. The large coal fields there and the large amount of coal to be mined is going to exercise a limiting influence upon the charges for the power.

Mr. CULLOP. The gentleman may think that, but he is erroneous in that opinion. Water power can be produced so cheaply, at so little expense to a company that produces it, that it can drive out the coal business entirely. So there ought to be a limitation in this bill, if it passes, fixing the maximum charge for power developed and sold there. The difference between the cost of the production of horsepower by water and by coal is very wide, and this company, by any law that Congress passes, ought not to be authorized to charge extortionate rates of its patrons.

Mr. SPARKMAN. That is a matter for Congress to determine. There is no limitation in this bill.

Mr. CULLOP. That is the objection to the bill, and if it goes through in this way there will be no limit in its charges.

Mr. SPARKMAN. I yielded to the gentleman for a question. I did not yield for a speech. I will be very glad to try to answer any questions that the gentleman asks.

Mr. CULLOP. I am only making suggestions along with the question. Here is a bill that gives this company the power simply to plunder its consumers, and we are giving it a monopoly. That ought not to be done by public legislation. The expense of this 16 miles is out of all proportion. If it is to develop coal fields, a railroad will do that, and do it much more satisfactorily, so it can be used the year round.

Mr. SPARKMAN. Mr. Chairman, I must decline to yield any further for a speech, because the gentleman can make a speech in his own time.

Mr. BOWMAN. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. SPARKMAN. For a question.

Mr. BOWMAN. Mr. Chairman, a question has arisen as to the availability of canals. I will ask the gentleman if he knows that one of the oldest canals in the United States, that of the Lehigh Coal Navigation Co., is now being opened for just the purpose that he names? Knowing something of this locality about Birmingham, does the gentleman also believe with me that this canal will probably carry as much tonnage as the River Rhine? I believe that it will if properly opened and kept open.

Mr. SPARKMAN. I fancy the gentleman is correct.

Mr. BUTLER. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. BUTLER. I am satisfied, after looking at this matter and after hearing the gentleman's statement, that the Govern-

ment may save some money by this proposition. The improvement, however, could be made, could it not, without reference to the creation of what is known as a monopoly? Could not this improvement be made and the subject of the sale of the water power be left open to the Government?

Mr. MOORE of Pennsylvania. It certainly could.

Mr. SPARKMAN. Of course, the House can do as it pleases—anything about that.

Mr. BUTLER. What is the real object in legislating in favor of conferring upon this one water company this exclusive privilege?

Mr. SPARKMAN. There was so much confusion around me that I did not quite catch the gentleman's question.

Mr. BUTLER. What real good can the Government get out of this legislation, if we require the Government to make one contract only, with this one water-power company? Can we not make the improvement and save a lot of money by it, and then leave open to the future the question of what company or what organization shall have the water power?

Mr. SPARKMAN. Oh, certainly; that could be done if it was thought advisable.

Now, Mr. Chairman, I yield to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. Mr. Chairman, I want to say a few words in regard to this bill and how it happens to be before this Congress. The canalization of the Warrior, Black Warrior, and Tombigbee Rivers is a matter that has been before Congress now for a long time—since 1870. The purpose is to go from the Gulf of Mexico into the Warrior coal fields of Alabama, where there is said to be coal enough to last 850 years.

Mr. CULLOP. Will the gentleman yield?

Mr. TAYLOR of Alabama. I shall have to decline to be interrupted until I finish what I have to say. Then I shall be happy to answer any question I am capable of answering that the distinguished gentleman can ask; but this happens to be the first time that I have asked this House to listen to me for 15 minutes. [Applause.]

I do not care to be interrupted until I have had at least 15 or 20 minutes to make a clear statement, if I am capable of it, as to the situation before this House. [Applause.] When I cease, if I find I am incapable of doing it, I will be glad for the gentleman to ask any question he desires, and I will endeavor to answer his questions, if I can, and if I can not, I will be satisfied to take my seat. [Laughter.]

Now, Mr. Chairman, the facts are these: The Mobile, Tombigbee, Warrior, and the Black Warrior River system has been undertaken for improvement by the Government of the United States for more than 30 years. At this time the legislation is simply this: They have authorized the engineers to contract for the completion of slack water up to Mulberry Fork and Locust Fork, which are at the head of the Black Warrior River.

In order to complete that navigation, 5 locks have been authorized and the money is ready for payment—Locks 15, 16, 17, 18, and 19. Lock 15 is now nearly finished. Lock 16 is on the way to completion. Lock 17 has been contracted for. Locks 18 and 19 have been authorized, and the money has been appropriated for their completion, but no contracts have been awarded.

But the engineers have discovered, upon the return of a survey and estimate ordered in 1909, that slack water can be continued up the Mulberry and Locust Forks, and these forks enter into the heart of the coal region. Upon that report your engineers and the board of review took the whole matter under consideration and suggested that the best plan, perhaps, would be to raise Lock 18 from a 14-foot lift to a 48-foot lift, which would enable them to flood Lock 19 and also to flood the additional lock in Mulberry Fork and one additional lock in Locust Fork, which is required to carry navigation up into the coal fields.

The board of review considered that it was not advisable, so far as the present information extended, to build the second lock in Locust Fork. When this proposition was being considered, a company organized under the laws of the State of Alabama, the Birmingham Water, Light & Power Co., acquired from the State of Alabama, under authority of an act of Congress, the right to erect a dam in Mulberry Fork above the point of navigation for the purpose of developing water power. That is why the Birmingham Water, Light & Power Co. is to-day a factor in this bill. They have the authority of the State and the right to erect a dam above the point of navigation in Mulberry Fork.

They sent their own engineers out to look into the situation, engineers from the city of New York—able, well informed, thoroughly expert—as good as there are in the world, and who report that it would not be feasible or advisable to generate

power above the point of navigation on Mulberry Fork alone. They investigated further, and found that if you would raise the lift of the lock at 17 from 21 feet, as now authorized, to 63 feet, it would enable water power to be developed in the Black Warrior River at Dams 16 and 17 in paying quantities.

Now, your committee and I, as the representative in part of the people of Alabama and of the United States, do not want to see this power wasted. Therefore the engineers report and advise raising the dam at Lock 17 from 21 feet to 63 feet, and in this way to do away with the building of Locks and Dams 18, 19, and two additional locks, one in Mulberry Fork and one in Locust Fork, and at the same time create the equal slack-water navigation at the head of the river system.

As to the cost and purely as an engineering proposition, I will go into details directly. Upon investigation the engineers concluded and advise that it would save time and money to do all the work at Lock 17, instead of building four separate locks and dams, and accomplish the same result for navigation. One of the reasons why it would save time and one incident in the matter of cost is that it would require the building of a railroad 10 miles long from Lock 17 to Lock 18 to transport the materials necessary to build this lock, on account of the nature of the country and the lack of any other mode of transportation in that part of the Black Warrior River. In other words, it would involve an item of cost of \$100,000 for a railroad to be able to reach Lock 18.

The present contractor, in order to reach Lock 17, has expended \$70,000 for a railroad to transport his materials and to equip his plant and to haul what is necessary to carry out the work of construction. The Government has already authorized the building of Locks 17, 18, and 19. When the report came in from the local engineers that it was necessary in order to reach the Warrior coal fields of Alabama to extend slack water by the erection of two more locks, which would cost in the neighborhood of \$750,000 additional, the engineers decided and advise that it is good engineering to build one lock at 17, with a lift of 63 feet, instead of building one lock at 17, another at 18, another at 19, another in Mulberry Fork, and still another in Locust Fork. A citizen of Georgia has the contract for Lock 17, as now authorized, with a 21-foot lift. He has commenced work on his contract. He has equities, your committee thinks and the War Department agrees, if any changes are to be made at Lock 17.

This bill, when it came from the Senate, had in effect an agreement in the first clause of the bill that made cooperation between this power company and the United States a part of this navigation project. The subcommittee and the House committee did not like that partnership, and eliminated it from the bill. They eliminated it in such shape that the engineers now are authorized to complete, as a matter of navigation alone, the raising of Dam 17 to 63 feet in order to improve the river, so as to carry slack water to the coal fields of our State. They find that they can do that at less cost than building Lock 17 to the height of 21 feet and the other four locks each 14 feet. As estimated from the reports on the proposition, they will complete it for nearly \$1,000,000 less than it will cost to carry out the present plan now authorized but not fully contracted for.

I have the figures and would like to know if the gentleman from Pennsylvania [Mr. BUTLER] is here. I would like to give them to him, as he seemed to be anxious to have the figures a short while ago.

Mr. COX of Indiana. Let us hear the figures.

Mr. TAYLOR of Alabama. The three locks and dams on Black Warrior River, for which appropriations have been made or authorized, are estimated to cost as follows:

No. 17 (21-foot lift).....	\$547, 243
No. 18 (14-foot lift).....	449, 453
No. 19 (14-foot lift).....	501, 550

Total cost of works now authorized..... 1, 498, 246

The cost of certain additional locks and dams extending slack water to Sanders Ferry, on the Mulberry Fork, and to Nichols Shoals, on the Locust Fork, is estimated as follows:

One on Mulberry Fork (14-foot lift).....	\$431, 109
One on Locust Fork (14-foot lift).....	356, 313

Total cost of low dams authorized and proposed..... 2, 285, 668

These low dams, however, are not now recommended. In lieu thereof the engineers recommend:

One 63-foot lift dam at the site of No. 17, replacing all the works indicated above, at an estimated cost for construction of.....	\$1, 878, 154
Estimated cost of flowage rights.....	150, 000

Total cost of Dam No. 17 (63-foot lift)..... 2, 028, 154

The estimated saving in first cost of one high dam in lieu of five low dams extending slack water to the same points on the forks is therefore.....

\$257, 514

The saving in operating expenses effected by adopting the project for one high dam rather than the one contemplating five low dams is estimated to be at least \$20,000 a year; the capital represented by this annual saving of \$20,000 (reckoned at 3 per cent) is.....

666, 066

Total.....

924, 180

The total saving of the high-dam project over the low-dam project, considering navigation alone, is, therefore, approximately.....

1, 000, 000

A new, a better, and a more economical plan has been found than that now authorized. Your engineers have done their duty and have brought this matter to the attention of Congress and of your committee, and the committee has taken days to work out this proposition. A subcommittee was appointed, and, with the exception of its chairman, is composed of as strong men as you have in this House—the gentleman from Mississippi [Mr. HUMPHREYS], the gentleman from Illinois [Mr. GALLAGHER], the gentleman from Washington [Mr. HUMPHREY], and the gentleman from Iowa [Mr. KENNEDY].

I say to you frankly that after 14 years' service in this House I never saw a harder, stronger fight by individual men expressing individual opinions in working out this proposition and in preparing this bill so as to eliminate the objectionable features as it came from the Senate of the United States. [Applause.] The estimated saving in first cost—you have not heard a word about water power yet—in raising Dam 17 to 63 feet in lieu of five low dams leaves a clear saving, as an engineering proposition, of \$257,514 to raise that lock at 17 from 21 feet to 63 feet lift without considering water power at all, the additional saving of \$600,000 and upward is in operating expenses and maintenance. This is what your committee asks you to do under the recommendation of the engineers of the War Department, who say it will not only save money but it will save time—several years' time—in the completion of river navigation to the Warrior coal fields. Does not any ordinary man know it will take less time to build one lock, if we build it 63 feet high, than it will to build five locks at great distances from each other, with difficult transportation for materials and all things necessary in the erection of locks and dams on rivers far away from railroads or other means of transportation. In addition, these are what my friend from Pennsylvania [Mr. MOORE] would call flat, bottom rates.

Whenever you run five locks instead of one it costs \$5,000 a year for each additional lock, a large and important item of cost in all the years to come. I might say for all the ages yet to come, for it will be during the life of this great Government, which intends to live and to lead all the nations of all the world until the day of judgment. [Applause.] The saving in operating expenses alone by having one dam instead of five is estimated to be at least \$20,000 a year. Taking it at \$20,000 a year, the capital represented in this annual saving, reckoned at 3 per cent, is \$666,066. This amounts to nearly \$1,000,000 saved, without regard to water power. Unless authority is given by this Congress to develop and use the power at Locks 16 and 17 on the Warrior River, this water power is dead. Unless Lock No. 17 is raised to 63 feet and the present project for four low dams is abandoned, this splendid water power will remain undeveloped and will run to rack and waste forever. I do not want to see it stopped. It should be preserved; it must be preserved.

Mr. MOORE of Pennsylvania. Conceding everything the gentleman contends for in the matter of cost and saving to the Government by this change of plan, and conceding everything that he argues for in the matter of navigation, which is highly commendable and in which I agree with him, will the gentleman give his version of the relationship of the Government of the United States as it appears in this bill to the private company that proposes to utilize the power thus created by Government expenditure?

Mr. TAYLOR of Alabama. I will endeavor to do it, but the gentleman's question raises in my mind an exceedingly broad proposition, not covered, if you will study the bill that you have been called upon to consider, because we have so arranged that legislation that it does not touch the broad question the gentleman asks.

Mr. MOORE of Pennsylvania. Well—

Mr. TAYLOR of Alabama. I will try to answer the gentleman, but you must let—

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. TAYLOR of Alabama. I will ask the gentleman from Pennsylvania [Mr. MOORE] to change the question or ask another.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. TAYLOR] may proceed until he concludes his remarks.

Mr. MOORE of Pennsylvania. I am obtruding upon the gentleman's time.

Mr. TAYLOR of Alabama. I am perfectly willing for the gentleman to ask me a question, and I would be glad to be permitted to answer it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama may proceed to a conclusion. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Alabama. Mr. Chairman, I desire to thank the gentleman from Illinois [Mr. MANN] for his courtesy.

Mr. MOORE of Pennsylvania. Has the gentleman concluded his answer to my question? If he has, I would like to ask him another.

Mr. TAYLOR of Alabama. Proceed with your question.

Mr. MOORE of Pennsylvania. There is a broad question here, that of the relationship of a private corporation with the Government of the United States—the entering into an agreement on certain terms to be lived up to by both parties—that may or may not be supported by precedent. At any rate, there is something for the Government to watch—

Mr. TAYLOR of Alabama. Now, do not make a speech, but ask a question, please, and I will try to answer it.

Mr. MOORE of Pennsylvania. I wanted the gentleman's version of the effect of such an agreement in the matter of its monopolistic tendency, so far as the company obtaining the concession is concerned. This affects the Government and the consumers of the power which it is proposed to distribute.

Mr. TAYLOR of Alabama. I think that so far as this bill is concerned the gentleman is dreaming, or, peradventure, he hath gone hunting like the priests of Baal once did in a great discussion. I am not ready to go into the question the gentleman has put to me, but I will endeavor to tell him what there is in this bill.

Mr. MOORE of Pennsylvania. Then, I will be more specific. Will the gentleman tell me, in view of precedents, if \$1 per annum per horsepower is sufficient for the Government to charge the company to whom it makes this concession?

Mr. TAYLOR of Alabama. I do not know, but I think it is.

Mr. MOORE of Pennsylvania. Does not the gentleman think that 50 years is too long a period of time to grant this concession to one company?

Mr. TAYLOR of Alabama. I do not.

Mr. MOORE of Pennsylvania. May I ask the gentleman to whom it is proposed to sell the power which is created by the Government and which shall be at the disposal of this private corporation?

Mr. TAYLOR of Alabama. The gentleman could ask me any other question that is a mere matter of prophecy and I could answer it just as well. Nobody knows who they will sell it to. Nobody knows to-day whether the company is going to accept the terms put in by the House committee or not. The bill as it came from the Senate is radically changed by the House committee. The gentlemen representing the power company are not altogether pleased with what has been done by the House committee, and I do not care whether they are or not. This bill authorizes the Secretary of War and his engineers to contract with that company along certain lines. It further authorizes them, if that company does not contract according to those lines, to go on and put the foundation for the development of power at Dams 16 and 17, and dispose of it as the gentleman from Pennsylvania [Mr. MOORE] hereafter may see fit, inasmuch as it leaves it to Congress to decide, and nobody can control it save Congress.

Mr. MOORE of Pennsylvania. I want to see industries developed there, but I ask if this company is actually organized and doing business to-day?

Mr. TAYLOR of Alabama. I do not know what the gentleman means by "doing business." If the gentleman means has it employed anyone to lay brick and mortar or anything else that is necessary to make the dam, I say no. If the gentleman means have they drawn plans for that purpose, I say no; and I assert that this bill expressly says that they can not do it until the engineers approve whatever plans they have got to make.

Mr. MOORE of Pennsylvania. This bill plans a return of \$15,000 a year from the company.

Mr. TAYLOR of Alabama. I wish the gentleman would inform himself better before he states that.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman if any of this power will be sold to the city of Birmingham, for instance, or whether any of this power will be sold

to manufacturers or others elsewhere along the line? And I would like to ask whether it is in the mind of the gentleman that there will be an industrial development along this river, and along the rivers running into it, that will mean the creation of new industries that will give employment to labor?

Mr. TAYLOR of Alabama. It is my opinion—though I can not say that, because I have great respect for my opinions and I never make one upon an uncertainty—but it is my impression that these parties intend to sell some of that power in Birmingham, and some of it to other enterprises between Birmingham and that particular point, wherever it is located.

I have no idea whatever how they intend to use it, but will say the company is organized under the laws of the State of Alabama, and the State has given them a right—which the State has a right to do—to erect a dam above navigation, in order to run their water power.

This bill authorizes the Secretary of War, through the engineers, to permit this company, if it chooses to do so, to come and do the things required under this bill and get the water power developed at Lock No. 17 and Lock No. 16, and to pay \$1 a horsepower therefor. When the bill came from the Senate it read: "\$1 for each horsepower generated by the normal flow of the river and 50 cents for each horsepower generated by the storage dam of the company." That was deemed to be too little, and your committee saw proper to raise it to \$1 a horsepower all around, and fix the minimum on the basis of 15,000 horsepower per annum; which is enough, in my judgment, to pay for the horsepower they will get at Locks Nos. 16 and 17, which is all that we have to do with.

Mr. MOORE of Pennsylvania. May I ask the gentleman one question in conclusion?

Mr. TAYLOR of Alabama. I hope the gentleman will ask a question, and one only, in conclusion. [Laughter.]

Mr. MOORE of Pennsylvania. I will say to the gentleman that it would influence me very much, in acting upon this bill, if I knew that the interests of commerce in the vicinity of this proposed improvement were to be increased and that the power to be generated would operate for the growth of industries all along the line; especially if it would mean that in that splendid valley of which the gentleman from Alabama has the right to be proud there would be new smokestacks of factories, where thousands of people would secure employment as the result of the improvement.

Mr. MANN. And then they would close them up with a tariff bill. [Laughter.]

Mr. TAYLOR of Alabama. The picture which the gentleman from Pennsylvania suggests would be the substance of my hope as the result of that improvement. But whether it accomplishes that result or not, I am confident that the power ought not to be allowed to be destroyed, and we therefore provide that the Government shall furnish in the dam the foundations for water power, and hereafter utilize it as the Government pleases, but so far as we are concerned, not to go to sleep with it and let this water power go to waste.

The proposition in the bill means a navigation proposition that will save a four years' delay at least in opening up the rivers to the coal fields and save the Government a million dollars in money.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. TAYLOR of Alabama. With pleasure.

Mr. MADDEN. How far is the site of Dam No. 17 from Birmingham?

Mr. TAYLOR of Alabama. The site of Dam No. 17 from Birmingham is between 27 and 30 miles. It is nearer 27 than 30 miles, as I am informed.

Mr. MADDEN. It would be possible, would it not, for the contracting company to carry all the power created by its dam to Birmingham and there find a ready sale for it?

Mr. TAYLOR of Alabama. My impression is that that is what they are doing it for.

Mr. MADDEN. The question that I wish to ask is this: Does the gentleman from Alabama think a dollar a horsepower per annum is a sufficient compensation for the privilege that it is proposed to give this company?

Mr. TAYLOR of Alabama. I do under this particular contract, because the company is given nothing else; that is, the Government is giving nothing else. The Government is doing that which it intends to do at a cost of a million dollars more than if it does that which it is now asked to do. The power company will come in and pay the flowage rights. And when we raise that dam to 63 feet high it has been estimated that the flowage damages will come to about \$150,000. I think they

will come nearer to \$400,000. The power company must pay all the flowage damages under the provisions of the bill.

Mr. MADDEN. Does not the Government of the United States contribute anything whatever toward the development of this water power?

Mr. TAYLOR of Alabama. It builds the 63-foot dam and whatever locks it may find necessary in connection with said Lock 17. I think, instead of having one lift of 63 feet, they will have two lifts or locks of 31½ feet each. The only rights the company gets is to put up flashboards 3 feet high at the top of the dam, and they pay all the flowage rights.

Mr. MADDEN. Does not the gentleman think that \$5 a horsepower would be nearer an equitable price than \$1?

Mr. TAYLOR of Alabama. I do not, because I have not the benefit of the information the gentleman from Illinois may have. I have that of the engineers who have been studying the question, and they say the value of a horsepower throughout the South is \$20, and we thought 5 per cent was enough for the company to pay.

Mr. MADDEN. But if they carry it up to Birmingham they will be able to sell it perhaps at \$30 a horsepower.

Mr. TAYLOR of Alabama. You could not pass in our committee a provision for \$5 a horsepower. It was difficult to get it through at \$1 a horsepower and make the minimum 15,000 horsepower. Five dollars a horsepower would not be acceptable.

Mr. MADDEN. Will my friend from Alabama tell me how much money this company is going to invest for the development of the water power there?

Mr. TAYLOR of Alabama. Two million five hundred thousand dollars, and the dam will cost \$1,500,000. We have nothing to do with the dam. I want to say that the \$1,500,000 is outside of the \$2,500,000, so that in all they will invest about \$4,000,000.

Mr. MADDEN. Does the gentleman wish me to understand that the company to whom this right is given is to spend \$4,000,000 out of its own treasury for the development of water power?

Mr. TAYLOR of Alabama. Yes; at their dam above navigation and at Locks 17 and 16, where the proposition is that it will be about equally divided in the power developed. There will be 15,000 or 16,000 horsepower at these two locks, and 14,000 and 15,000 horsepower at their dam above navigation. About half of this power only will be primary power.

Mr. MADDEN. Then, as a matter of fact, they develop 30,000 horsepower?

Mr. TAYLOR of Alabama. Yes; but not that much primary power—not more than 15,000 or 16,000 primary horsepower at both the Dams 16 and 17 and the dam above the point of navigation.

Mr. MADDEN. And instead of giving a dollar a horsepower per annum they are getting it for 50 cents?

Mr. TAYLOR of Alabama. No; because it is \$1 a horsepower for all horsepower developed within the range of navigation at Locks 16 and 17. The United States has no claim on the power to be developed at the dam above navigation.

Mr. MADDEN. I am asking these questions for information. Does the development of this water power, by reason of the construction of this dam, interfere with any private rights for which the Government may be responsible between where this water power is built and sections above or below?

Mr. TAYLOR of Alabama. I will endeavor to answer the gentleman frankly. For more than three months this bill has been in the Senate, and for that whole time it has been advertised by the press throughout the State of Alabama. For some weeks it has been in the House, and that has been advertised throughout the State of Alabama. It is pretty well known in Alabama that I am a member of the Rivers and Harbors Committee. Every step that has been taken day by day by this committee has been reported by the press, yet not one man, woman, child, or corporation has written me a line or telegraphed me a line; and if there had been a child there that was weeping or a woman who was crying on account of this bill, I would have heard of it long ago. [Applause.]

Mr. MADDEN. Just one more question. I wish to ask if, by reason of the overflow of the adjacent land as a result of the construction of this dam and the creation of this water power, the Government of the United States will be in anywise responsible for damages?

Mr. TAYLOR of Alabama. Not under this bill, because the company pays for the flowage rights and gives a bond with such security as the Secretary of War shall demand to cover that before anything is done. Every right is protected by this bill in the interests of the United States.

Mr. BOWMAN. Mr. Chairman, is the gentleman from Alabama aware that owing to the proximity of coal in the im-

mediate vicinity of this dam the cost of horsepower will always be limited by the low price of coal, and that the company having these water rights can not get the excessive rates that some gentlemen seem to fear?

Mr. TAYLOR of Alabama. I am aware of that, and I thank the gentleman for the statement. If I had been let alone, I would have stated it; but I forgot it, and I forgot the most important thing I had to say. I am glad to owe another obligation to the State of Pennsylvania.

Mr. SWITZER. Will the gentleman yield for a question?

Mr. TAYLOR of Alabama. I will endeavor to answer the gentleman if I can.

Mr. SWITZER. Just a question for information.

Mr. TAYLOR of Alabama. I do not know that I have the information.

Mr. SWITZER. Is there any protection provided in this bill for the prospective patrons or consumers of this water power as to the rate of compensation they will have to pay this private company for the power?

Mr. TAYLOR of Alabama. The rental after the first 20 years is left entirely to the Secretary of War and the engineers. If you mean to ask whether this bill proposes a limit of price upon the property of others, we have not cared to touch that question.

Mr. SWITZER. Is there any maximum limitation?

Mr. TAYLOR of Alabama. We have not cared to touch that question. That is too big a question to go into in this way.

Mr. BOWMAN. May I suggest to the gentleman that the rate which the residents of Birmingham and that surrounding district will have to pay for power will be regulated by the low price of coal, and that these gentlemen will only be able to get for that power a relatively low rate in view of the low price of coal.

Mr. SHERLEY. What rate can they get?

Mr. BOWMAN. They can buy an excellent grade of slack there for from 40 to 50 cents a ton at the mine; and if that is not low enough for power, what more do you want? The mines are idle at that, at times five days out of the week. The coal is right in the immediate vicinity, not 5 miles away.

Mr. TAYLOR of Alabama. I agree entirely with the gentleman, and I will say further that in my judgment coal will be cheap enough when these Warrior coal fields are opened to drive the water-power companies out of business. [Applause.]

Mr. SIMS. Will the gentleman answer one question?

Mr. TAYLOR of Alabama. I can not yield.

Mr. SIMS. Oh, yes, the gentleman can. Is the gentleman willing to accept an amendment making it 30 years instead of 50 years?

Mr. SHERLEY. How about making it 20 years instead of 30?

Mr. TAYLOR of Alabama. The Senate bill came over here fixing it at a hundred years, and we would not stand for that. The general dam law provides a limitation of 50 years, and we abide by that. I would be unwilling to see the bill amended for less than 50 years. That is the law now for all under the provisions of the general dam act. The committee sees no reason to require any special law for the proposition reducing or changing the general policy to all of 50 years. So 50 years is the limit desired by the committee.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

Mr. MANN. Mr. Chairman, I ask for recognition. I was under the impression that the Chair had recognized somebody else.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I listened to the gentleman from Florida [Mr. SPARKMAN] and the gentleman from Alabama [Mr. TAYLOR] as well as I could, but I did not understand either of them to explain the differences between the Senate bill and the House proposition.

Mr. TAYLOR of Alabama. I will be very glad to do it.

Mr. MANN. I wish the gentleman would.

Mr. TAYLOR of Alabama. The first clause of the Senate bill provided for cooperation between the General Government and the power company. We eliminated that and authorized the engineers to change the plans and adopt a 63-foot lift at Lock 17 for the purpose of making navigation and running slack water up Mulberry Fork and Locust Fork to the point where it would be carried, and for the purpose of developing power independent of the company.

Mr. MANN. Did not both bills do that?

Mr. TAYLOR of Alabama. We did not think so. The Senate bill, as we read the bill, provided for this to be done, with the condition that this company have the contract. We did not want that. We wanted this navigation whether there was

power developed there or not. The power was a matter entirely incidental with us. Navigation was our sole concern, but we wanted to preserve the power if it could be preserved.

Mr. MANN. Now, if the gentleman will pardon me, he is probably so familiar with the situation there that he thinks he is explaining it to those who are not familiar with it, but I will have to confess that I do not yet understand even that one difference, and I will be very frank with the gentleman. This bill has been reported only very recently. It was only obtainable this morning. It is a long bill, and I have not yet been able myself to examine the bill to ascertain the difference between the Senate bill and the House substitute.

Mr. TAYLOR of Alabama. In the first two amendments the House eliminated that feature I speak of. In the first and second sections of the Senate bill the Birmingham Water, Light & Power Co. are mentioned. In the House substitute you will find that it is not mentioned until section 4 of the bill. In other words, sections 1, 2, and 3 of the House bill provide for the navigation change at Lock 17, without mentioning the company. Section 4 authorizes the engineers to make a contract with a certain company—the Birmingham Water, Light & Power Co.—and if that contract is not made, they are authorized to go on and carry on the work as a navigation feature, in the interest of economy and in the interest of navigation.

Mr. MANN. It is not the reason that I am trying to get at, but the facts.

Mr. TAYLOR of Alabama. Well, the gentleman will find a little further on that the Senate bill authorized 99 years. We struck that out and made it 50 years.

Mr. MANN. These first three sections that the gentleman speaks of in the House substitute are new?

Mr. TAYLOR of Alabama. We strike out a great deal.

Mr. MANN. Are the first three sections of the House substitute entirely different from the first three sections of the Senate bill?

Mr. TAYLOR of Alabama. Sections 1 and 2 are very different from sections 1 and 2 of the Senate bill.

Mr. MANN. Do they cover the same thing or do they cover other matters?

Mr. TAYLOR of Alabama. We think we left out the provision I am speaking of, and that is that there should be any cooperation between the Government and the power company, which we thought was contained in section 1 of the Senate bill. If I do not answer the gentleman in that way, I can not answer his inquiry.

Mr. MANN. If the gentleman can not answer me, nobody can; and I am sure the gentleman can.

Mr. TAYLOR of Alabama. What we struck out is after the word "that," in line 3, page 1, of the Senate bill, as follows:

For the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56.8 miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same.

We struck that out entirely and commenced—

The Secretary of War is hereby authorized, in his discretion, etc.

Mr. MANN. Now, if the gentleman will permit, is not it in fact the intention to change the plan so as to really cooperate with this company?

Mr. TAYLOR of Alabama. No.

Mr. MANN. You leave that out, but is not it the intention?

Mr. TAYLOR of Alabama. We hope that they will develop water power there, but this change is not made for the purpose of making any contract with the company further than we hope that it will be made.

Mr. MANN. I know; but this proposes to make a change. Is not that it—

Mr. TAYLOR of Alabama. No; the purpose of making the change, as I understand and believe it, as far as my wish in this transaction is concerned and my efforts are directed, is purely for navigation and to save three or four years' time in the completion of slack-water navigation on the Warrior River.

Mr. MANN. Yes; but if this was not to have water power the gentleman would not have the change made in the expectation—

Mr. TAYLOR of Alabama. I certainly would. I said so originally, and I would say that to the gentleman in answer to that question if he asked it a dozen times.

Mr. MANN. The gentleman would make the change, anyhow?

Mr. TAYLOR of Alabama. I would, and do exactly what the engineers think ought to be done there in the interest of navigation.

Mr. MANN. Would not that dam create considerable water power?

Mr. TAYLOR of Alabama. No, sir; water power can only be created, as I understand it—I may be entirely mistaken—by putting in your dam, in the first place, to generate water power and then other machinery, how much I am not familiar enough to even answer the questions put as clearly as the gentleman from Illinois can put them if he wants to.

Mr. MANN. I take it that the creation of the dam is the creation of water power.

Mr. TAYLOR of Alabama. The beginning of the creation only.

Mr. MANN. The creation of the water power, but the utilization of the water power—

Mr. TAYLOR of Alabama. You know what the beginning of wisdom is?

Mr. MANN (continuing). Utilization of the water power and converting it to electric power requires machinery, and when you create a dam that has water flowing over it you create water power.

Mr. TAYLOR of Alabama. I must answer the gentleman exactly as I answered the gentleman just now—

Mr. MANN. It is not the details I am after, of course, but the question of principle.

Mr. TAYLOR of Alabama. I understand; and we tried to reach the question of principle.

Mr. MANN. The gentleman's proposition is to have water power controlled by a private company, probably water power created by the General Government, and there comes up the question of the policy of the Government first, whether the Government itself ought to carry on the work of creating a power and then the control and sale of the power itself, or whether if it does not do that—

Mr. TAYLOR of Alabama. Is the gentleman asking me a question? If he is, I must tell him it is too much involved for me even to follow him and he must put his question more plainly.

Mr. MANN. The gentleman does not understand, probably, that I have the floor.

Mr. TAYLOR of Alabama. Why, I thought the gentleman asked me a question.

Mr. MANN. I may wish to ask the gentleman a question, because if I wanted any information about the bill I would appeal to the gentleman from Alabama.

Mr. TAYLOR of Alabama. I would never willingly, on my own accord, take the floor.

Mr. MANN. I am very much obliged to the gentleman for the information he has furnished. If the Government creates water power, or has control of it, and does not choose to create and control and sell the water power itself, then the question arises, first, whether in giving the right to some one else to control the water power it ought to sell the right to the highest bidder on even terms, and, secondly, whether it ought to control the price that may be charged for the power created partly through the effort and expenditure of money by the Government. Now, that is not a question that merely involves this place. At the last Congress we defeated a bill in the House where a motion was made to suspend the rules and pass a bill, and a majority of the House voted against the proposition, where the entire expenditure of money was to be made by a private corporation. And we were not willing to adopt the policy at that time of permitting a private corporation to construct a water power and have control itself over the power and the price that should be paid for it. Now, that case was stronger in the interests of the private corporation than this case is, because here much of the expenditure of money is to be made by the General Government itself. If this power ought to be sold, I do not undertake to say whether the Government ought to create the power and sell it, or, where the Government in part creates the power, it ought to sell the privilege of utilizing all the power.

But if the general right to control the power is sold, as is the right, in fact, inferred by this bill—though it is called simply a gift—I suppose, if it is to be sold, it ought to be sold, it seems to me, to the highest bidder, with a minimum rate fixed in the bill. I would fix, if I were to pass a bill of this sort and was in control of it, a minimum rate, at least as high as the rate fixed in this bill, and then see whether some one would not pay more. Here is a proposition which involves a large expenditure by the Government, where it is proposed there shall be paid back to the Government, or paid to the Government, \$15,000 a year as a minimum. How much water power will be created, I say, no one is prepared to inform the House. I believe the gentleman said that possibly 25,000 horsepower, and the gentleman from Washington privately says that the Government

engineers estimate it at 16,000 horsepower. Probably none of these estimates has been very carefully made. Has anyone estimated what it will cost this company to construct this part of the work and utilize this power?

Mr. SPARKMAN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Florida?

Mr. MANN. Certainly.

Mr. SPARKMAN. I think I stated a while ago that the engineers say that about 16,000 horsepower can be relied upon the year round.

Mr. MANN. Yes. I just made that statement, but no one has figured that out carefully, I say. Can the gentleman from Florida give us an estimate of the cost that this company will be put to in carrying out its part if this bill becomes a law?

Mr. SPARKMAN. That is very difficult, but the construction of that one dam there is to cost one million and a half of dollars.

Mr. MANN. That does not answer the question at all. We are accustomed in this country to estimate the cost of installing plants in connection with the use of water power. It is not difficult to obtain such information. If this plant is to cost one million and a half or two million of dollars, with an estimated water power of 25,000 horsepower, to be sold at even \$20 a horsepower, that would make half a million dollars a year.

No one would say that the Government ought to give to some company the power to receive half a million dollars a year for the expenditure of a million and a half or two million dollars in connection with some expenditure for the Government. After a water power is created and the electrical machinery installed, the cost of operation is practically nothing. We either ought to know what the development is to cost or else we ought to retain control either over the charge which we are to make for the use of our expenditure or else control over the charge which the company is to make to the individuals who consume their power.

I have heard a good deal in this House and elsewhere about the conservation of natural resources, but I have not heard anyone yet say that we ought to give away without control the power that the General Government has over the water powers of the country. On your side of the House as well as on this side there was great disagreement to the proposition that the General Government ought to yield its control over water powers without a consideration, and yet here is a proposition to give to a company for 50 years, and for 20 of those years at the rate of \$1 a horsepower, a horsepower estimated to be from 16,000 to 25,000, at a merely nominal rate, and without any control over the charge which shall be made by that company to its patrons. It is said that this canal is being constructed for the purpose of carrying coal, and for reaching an undeveloped coal field. One can readily see how a power company, with its own power to sell, will not be inclined to help the carrying of coal in competition with it if it can prevent it, and we ought to retain in somebody the power to control the rate, at least, within some reasonable limitation, which may be charged by this company to its patrons.

Mr. SIMS. Mr. Chairman, will the gentleman submit to a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. SIMS. What is the opinion of the gentleman as to whether this bill, if it is passed, would establish a precedent for the Government charging for water power incidentally created in connection with an improvement of a navigational character or the improvement of navigable streams?

Mr. MANN. I take it that this bill does not necessarily involve the question of the Government charging where it grants the right to construct a dam across a navigable stream not connected with river and harbor improvements made by the Government; and no one has ever questioned, I think, the right of the Government to make a charge for the use of water power which it may have created in connection with work which it has carried on for many years. If I recall rightly, the Government has leased or sold water power created on the Cumberland River through dams that were constructed by the Government many years ago. I think that is the case. I would rather have some Member on the Committee on Rivers and Harbors inform me if it is not the case.

Mr. SPARKMAN. There are several precedents for just such a thing as this.

Mr. SIMS. As I understand this, this is a project in part authorized as an improvement of a navigable stream?

Mr. MANN. As I understand it, the authorization of this stream has not only already been made, but a large share of

the improvement has been made, and it is proposed now to make a change in the plans of the improvement so as to permit a company, in connection with the change of plan, to construct a dam with a fall of 63 feet, or something like that.

Mr. SIMS. Which does not interfere with the original plan for navigation purposes?

Mr. MANN. It interferes entirely with the original plans, but I take absolutely the judgment of the Committee on Rivers and Harbors in that respect—that it does not make any less valuable the navigable rights of the stream or hinder in any way their utilization. That new plan, if changed, will be just as valuable to the navigation interests as the old one.

Mr. SIMS. In other words, it does not interfere with it for purposes of navigation?

Mr. MANN. No; I understand it does not interfere with it for purposes of navigation.

Mr. SIMS. What is the gentleman's idea as to making a 50-year franchise?

Mr. MANN. The 50-year franchise matter, I suppose, so far as the Congress is concerned, largely came from the suggestion of Mr. Roosevelt when he was President of the United States. Personally, I never have favored it. Personally, I would much prefer to give an indefinite franchise to a corporation, retaining control over the rights of the Government to cut the corporation out if it wanted to, or to change its rates in the same manner as that whereby we have control in the District of Columbia over the public-utility corporations of this District. We have no fixed franchise—

Mr. SPARKMAN rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Florida?

Mr. MANN. In a moment. We have no fixed franchise for the street railways or for the other public utilities in the District of Columbia, but we have control of them, and occasionally, whenever we feel desirous to do so, we exercise that control. No company can afford to lay out a large sum of money in the construction of this plant unless it has reasonable assurance that it can continue in operation long enough to make some money out of the business. But notwithstanding that, I do not believe the General Government ought to give to a private corporation the right to fix its own charges without any control. We do not even do it in the case of bridges.

The gentleman from Kansas, here, on unanimous consent day, started out to offer an amendment on a bridge bill providing that the Secretary of War should have the right to fix the tolls for the use of the bridge. I called his attention to the general bridge act, which the House passed some years ago, which gives to the Secretary of War the right to fix the tolls of any kind, even for passage over a bridge built under an act of Congress.

Now, Mr. Chairman, I yield to the gentleman from Florida.

Mr. SPARKMAN. I wanted to suggest to the gentleman that the power to amend, alter, or repeal this act, which is reserved here, will exercise, in my judgment, quite a wholesome influence over that company—in the matter of charters, for instance.

Mr. MANN. Mr. Chairman, the power to alter, amend, or repeal is a very desirable thing in this bill. When we passed the general dam act, if I recall correctly, we put in a provision reserving the power to alter, amend, or repeal, and a further provision that if altered, amended, or repealed, the Government should not be held responsible for any damage to the company by reason of the change in the law. The power to alter, amend, or repeal may carry with it the liability to pay for the damage that would be caused if to-day you passed the bill giving this company the power to construct these works, reserving the right to repeal, and they construct the works, and to-morrow you repeal. In that case you may find that under the Constitution of the United States the right to repeal may exist, but the right to take private property without compensation does not exist even by repeal.

Mr. SPARKMAN. When the gentleman refers to the power reserved in the general dam act to alter, amend, or repeal, I suppose he refers to section 7. That goes on to say:

The right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof.

Mr. MANN. Yes; that is just what I called attention to. I drew that section myself.

Mr. BOWMAN. Mr. Chairman, if the gentleman will yield just for a moment on the question of price, I observe here on page 11, line 16, a rental period of 20 years. After that the price can be changed by the Government. Does not the gentleman believe that the Government therein has the power to regulate the price to be charged—at which the power shall be sold—and that if it is not reasonable the Government can ad-

vance the price accordingly and thereby oblige them to do what is right?

Mr. MANN. Plainly not. It is so plain that the gentleman himself, when he reads his question, will see that it hardly requires an answer. The power of the General Government to fix the rate which this company shall pay the Government does not in any way give the General Government the power to fix the rate at which the company shall sell its power to consumers. On the contrary, the power of the General Government to fix the rate which shall be paid to the General Government may lead the General Government to fix the rate, without any power to prevent the company from simply adding on ten times as much to its consumers.

Mr. BOWMAN. Will the gentleman yield for one more question?

Mr. MANN. Certainly.

Mr. BOWMAN. If the Government raises the rate to a price equal to that at which they can produce power with coal, does not that thereby put them out of business?

Mr. MANN. The Government might raise the rate and put them out of business possibly, in which case they would bring an injunction and go ahead just the same.

Mr. SHERLEY. If the gentleman will permit me, the trouble with all of the provisions in the bill giving the Government control is that it puts all of the inertia of government in favor of the man getting the concession, and none of it in favor of the Government itself. If you want really to make companies responsible to the Government let the period that they are to exercise the right be fixed, and let it be a short period, and then provide that they must get affirmative action by the Government in regranting the privilege given. [Applause.] Then the burden is put on them. Otherwise you have the condition which we have seen here in the District of Columbia. The reference of the gentleman is very pertinent to the city railways. Every street railway in Washington is subject to the control of the Government theoretically, but there is not one of them that has been actually subject to control by the Government since I have been a Member of Congress, because the entire inertia of government is put in favor of the railway companies, and it is very easy to get some one at some time somewhere to block anything looking toward remedial legislation. [Applause.]

Mr. MANN. Mr. Chairman, I was in the city council of Chicago for four years when there was an active contest by companies for the control of the street railways in that city. For years it had been the practice under the law to grant franchises for the terms for which they could grant them—20 years—and then the companies would come in for an extension on this street or on that street, or some other street, meeting the growth of the city, and obtain a franchise for 20 years for the new street which would not coincide with the original term of the trunk line down town.

While I was in the council we commenced a fight against the renewal of a franchise, against the granting of extension lines for a longer period than the parent line had. That fight culminated after I went out of the city council, but in its culmination it resulted in a great victory for the people of the city of Chicago. For whereas under the old system the street railways of Chicago charging as they did a 5-cent fare, and not at that time giving universal transfers, kept all the profits which they made, while to-day the city of Chicago receives 55 per cent of the receipts of the railway after the payment of operating expenses and the bonds. The owners of the property receive 45 per cent, as against 55 per cent taken by the city of Chicago; that is, where there were franchises of 20 years. Originally everybody considered that it was a favor for these people to expend their money constructing these lines, but in the course of 20 years, which is a much less period than 50 years, it became proper and desirable to take away some of the exorbitant profits that were being reaped by the persons who held the franchises.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SIMS. What I wish to say is this: While the limitation of 50 years is affected no doubt in a legal sense by the power to alter, amend, and repeal, will not the moral effect of it be that Congress will not dare to repeal it to the injury of the stock and bond holders, the value of which has been created by this act of Congress giving them 50 years? Does it not after all prove the correctness of what the gentleman from Kentucky [Mr. SHERLEY] says, that when you undertake to repeal a law, and the initiative is taken by Congress against the owners of the stocks and bonds who claim they are innocent holders, because they bought them innocently, will not you run up against the same difficulty that we have had in the District of Columbia for many years?

Mr. MOORE of Pennsylvania. I would like to ask the gentleman a question.

Mr. MANN. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. In the case of the Chicago franchises the gentleman speaks about, was not there a limitation as to the amount that should go into the coffers of the company?

Mr. MANN. No; I think not.

Mr. MOORE of Pennsylvania. The provision on page 12 in this bill, line 10, gives the Government free access to the books of the company. For what purpose is that?

Mr. MANN. To ascertain the amount of horsepower they use, I take it.

Mr. MOORE of Pennsylvania. Under that right reserved to the Government they can examine the books as to the profits of the company, whether it makes 6 per cent, to which amount profits of corporations have been limited in certain States, or whether it makes 50 per cent; but the Government can not exercise any right over the profits here, no matter what it may discover by an examination of the books.

Mr. MANN. I think it is perfectly plain.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to say to the gentleman that the examination of the books goes a little further than that. They can ascertain by examination of the records the amount of water power produced, so the Government will know how much revenue it is entitled to, and then it goes further than that. The bill provides that they may ascertain the amount of water power produced, not only at this dam but at the reservoir above the dam, which is to be constructed by the company, and to ascertain the price at which the company is selling.

And so, in addition to ascertaining the amount of the revenue that the Government is entitled to, to enable the Secretary of War at the end of this 20-year period, and at the end of every 10-year period subsequent thereto, to fix a just rate different from the one provided in the bill for the first 20 years. I will say further that I think the bill ought to provide that the Government, through some official, and I would say the Secretary of War, have the right to fix the charges which the company can make to its consumers. I believe that ought to be a provision of the law.

Mr. MOORE of Pennsylvania. Will the gentleman answer me this question? Suppose we were dealing now with a large corporation, national in its extent—for instance, the United States Steel Corporation or the so-called Sugar Trust—and it should be ascertained that the profits were exorbitant, that they were in excess of 6 per cent, would not the gentleman think there ought to be some limitation by law upon those profits?

Mr. HUMPHREYS of Mississippi. Yes, sir.

Mr. MOORE of Pennsylvania. Well, what is the difference in principle between fixing the limitation of profits of a large corporation like the United States Steel Corporation and of this company which runs free as to profits? This company has the help of the Government, and proposes to develop water power with the Government's assistance, and sell it at any price it sees fit.

Mr. HUMPHREYS of Mississippi. I do not think this company, or any other company that is permitted by virtue of authority granted by the Federal Government to develop and sell power, ought to be permitted to charge whatever it sees fit.

Mr. MOORE of Pennsylvania. Then, the gentleman agrees that there should be an amendment to this bill fixing a limitation upon the profits of a company which has this decided advantage of the assistance of the Government in its enterprise?

Mr. HUMPHREYS of Mississippi. I think the bill would be much better if there were a provision in it by virtue of which some official of the Federal Government could regulate the charges this company could make to its consumers.

Mr. MOORE of Pennsylvania. I think that is in harmony with the public opinion of the day in regard to all these corporation-regulation questions.

Mr. MANN rose.

Mr. TAYLOR of Alabama. Will the gentleman from Illinois permit me to interrupt him?

Mr. MANN. Certainly.

Mr. TAYLOR of Alabama. If I understand what the gentleman has said, for some time, he is in favor of an amendment that authorizes the Government, through the Secretary of War, to fix the rate. Individually, I am with the gentleman to that effect.

Mr. MANN. Mr. Chairman, I will say to the gentleman that I received a copy of this bill only this morning. I have not had a chance to read it. It is a long bill. When it was being read

by the Clerk of the House, I did not read it, but then talked with a gentleman who knew about the matter and who explained what it was. Hence I have had no chance to prepare an amendment.

Mr. TAYLOR of Alabama. I will add, with the permission of the gentleman, that that provision was not inserted because it was a very great big proposition and this was an emergency bill, and we did not think, as the Committee on Rivers and Harbors, that it was proper to insert such a proposition in a bill of this nature.

Mr. MANN. Mr. Chairman, I do not know whether it is called an emergency bill by the Democratic caucus or not. That is a question which does not concern—

Mr. TAYLOR of Alabama. Not by the Democratic caucus, but that comes from the engineers, who say unless it is passed at this session of Congress they will not carry out the provisions of the bill, but will go on and build Lock 18, and go on with the scheme they have already started in that direction.

Mr. MANN. I have no doubt whatever that they will wait until the action of Congress in reference to this matter, whether it is at this session or two sessions from now.

Mr. UNDERWOOD. Mr. Chairman, I want to say to the gentleman from Illinois that they will not wait. I am not so much interested in this bill so far as the horsepower is concerned, because we have several horsepower projects on the Coosa River as close to Birmingham as this.

We have a very close coal supply. For nearly 15 years with my colleagues I have endeavored to improve the navigation of this river. The plans have been agreed upon, the money appropriated, and the plans authorized, and, as far as I am concerned, I will not consent to the engineers delaying the improvement of this river for navigation purposes. Now, I expect to vote for this bill because the engineers say that it will cost something between \$200,000 or \$300,000 less to improve navigation by adopting this plan than it would by following out the old plan, but I certainly will not vote for any delay on this matter, because, if the Congress does not want to adopt this proposition and does not think it is advisable or feasible, I for one will certainly insist that the engineers in the department go on with the old plan and complete the work. I do not consider it a proposition of very great value to the constituency that I represent, because we have unusually cheap coal and we have the escaping gases from the coke ovens that are being used for power purposes now, and I believe can be used for power purposes cheaper than water power, and on the Coosa River there are two projects that have already been authorized by the Government to increase electric power there. I just wanted to say to my friend he is mistaken if he thinks that this question of developing navigation is going to be delayed. It will not be delayed, so far as I am concerned, because I am very much interested in the completion of navigation on that river, and am not nearly as much interested in the question of the developing of this power.

Mr. MANN. Mr. Chairman, it would have been very unfortunate for this company if the reciprocity bill had been passed at the last session of Congress. There would not have been any extra session to pass it now; hence it would have been carried out, according to my friend from Alabama—

Mr. UNDERWOOD. I think so.

Mr. MANN. I have not had—

Mr. TAYLOR of Alabama. And the State of Alabama would have lost the power.

Mr. MANN. I have not had the experience of either of the gentlemen from Alabama, but I know from my experience that while a matter of this sort is pending before Congress, reported from a committee, that the War Department will not act until it has been disposed of.

Mr. HUMPHREYS of Mississippi. If the gentleman will allow me to make a statement there, I desire to say that the contract for the lock and dam at 17, where this 63-foot dam is to be constructed, has already been let, and the contractor has expended about \$70,000 already in the prosecution of that contract, so that if Congress fails to act, it is unquestionable that the engineers will not delay the construction of the lock and dam.

Mr. MANN. It is immaterial to me whether the engineers delay or not; it is quite certain if a large water power is to be lost, so that much energy, instead of being conserved, is to be destroyed, that the engineers will wait, and that if the water power ought not to be conserved, probably they will not wait. I am not to be persuaded that because gentlemen wait until their time has gone by when they should have presented their projects before Congress at the proper time that they should come here now and say: We must have the bill as we have it, regardless of its merits, because if we do not get it now we

lose all chance of getting it in the future. If we ought to control the price and the rate at which this water power is sold, we ought to control it. We have a commission to which we have given power to control all the railroad rates of the country, all the express rates of the country, all the telegraph rates, and practically all the telephone rates of the country. We have not passed a bill in years giving special privileges that we did not reserve the right of the General Government in some way to control it, and yet here is a proposition to give away power, partly created by the Government, with no control over the rate which shall be charged for its use.

Mr. MARTIN of Colorado. May I ask the gentleman a question there?

Mr. MANN. Certainly.

Mr. MARTIN of Colorado. Has Congress ever enacted a law fixing an annual rental for the use of water power, to flow to the National Government for the profit of the Federal Treasury?

Mr. MANN. Congress practically did that in the general dam act which passed at the last session of Congress, and I think the gentleman took an interest in that and is familiar with it.

Mr. MARTIN of Colorado. But this is the first bill in which a specific charge is made against a project in the way of an annual rental for the benefit of the Federal Treasury?

Mr. MANN. I will not undertake to say it is as to an annual rental or not. We have passed a number of bills where the rental was provided for.

Mr. MARTIN of Colorado. If that is the case, then this is a tremendously important matter.

Mr. MANN. It is. There is no doubt about that.

Mr. MARTIN of Colorado. It is a serious matter that the Federal Government should go into the State of Alabama and mulct its natural resources for the benefit of the Federal Treasury. The Federal Government has an interest in keeping this water open to navigation, but when it goes into my State and converts the natural resources of that State into a source of profit for the Federal Treasury, that is a revolutionary departure from all former procedure on the part of the Federal Government in reference to these matters. And it most deeply and vitally affects particularly all the States of the West. I would like to have a few months' time to think over a matter like this. I am not particularly interested in the rate in this bill, but I am immensely concerned in the principle involved, in the effort made by the Federal Government to go into a sovereign State and take its natural resources and convert them into a source of profit for the Federal Treasury.

Mr. MANN. I want to ask the gentleman about another matter. The bill says:

The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters.

Why does it not provide that the company authorized shall not only construct, but maintain and operate this dam in accordance with the general dam act?

Mr. HUMPHREYS of Mississippi. It was the thought of the committee that the words "in accordance with the provisions of the general dam act" would cover all the provisions of that act. I will state to the gentleman, without divulging any secrets unnecessarily, that the suggestion was made to the committee that the words ought to be "in accordance with and subject to the limitations of the general dam act."

Mr. MANN. I take it, then, that the gentleman on the committee would have no objection to inserting after the word "construct" the words "maintain and operate"?

Mr. HUMPHREYS of Mississippi. Of course, I am not authorized to speak for the committee. Personally I would have no objection myself. This particular matter was submitted to the engineer department, and they believed "in accordance with the provisions of the general dam act" carried with it all the limitations and all the restrictions of that act. That was their opinion, and for that reason this other was not put in.

Mr. MANN. I may say to the gentleman that some time ago, after the passage of these general bills, I prepared forms of bills in connection with the War Department, and all of us concluded that it was necessary to use not only "construct" but the words "maintain and operate," so that the construction, maintenance, and operation should be under the general dam act. They might be anyhow, for that matter.

Mr. HUMPHREYS of Mississippi rose.

The CHAIRMAN. Does the gentleman from Mississippi request recognition?

Mr. SHERLEY. If he does not, I do.

Mr. HUMPHREYS of Mississippi. Go ahead.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I do not profess to know anything about the details of this project, but I have some very firm views in regard to the policy of the United States in granting power rights in connection with navigable streams, and I am not willing to remain silent during the consideration of this bill. Let me suggest to the House two propositions. The first is that the term provided in this bill for the life of the contract is too long. Fifty years in the future is too long a period for any legislative body to wisely provide conditions for. Secondly, it is of no great practical value to name a less number of years if you put all of the burden upon the Government for changing the condition of the contract at the expiration of that time. As I said a while ago in interrupting the gentleman from Illinois [Mr. MANN], under the terms of this bill at the end of 20 years the War Department must affirmatively take action in order to change the rate that is charged of \$1 per horsepower.

Now, all of us who have had the slightest experience with corporations subject to regulations by the Federal Government know the difficulty that is experienced in getting action looking to putting upon them regulations more onerous than existing ones. It is practically impossible for the Congress of the United States to legislate effectively even as to the street railways of the District of Columbia; and yet if the franchises of those railways ended at a particular time and their property was subject to conversion by the Federal Government, they would be coming here asking action by the Federal Government, and the condition of inertia would be removed. If this bill is to pass, it should have provisions in it stipulating for a shorter term, and after the expiration of the term the failure to agree with the Government upon new terms should cause the rights of the company to cease and another provision made for the taking over and disposition of the property that may have been placed there by such company. But to say that this House, upon the short notice that it has had, should pass this bill granting a 50-year franchise is to seek at our hands more than I for one am willing to grant. [Applause.]

I yield now to the gentleman.

Mr. SPARKMAN. No; I thank the gentleman.

Mr. SHERLEY. I thought he desired to ask some questions. But before I take my seat I would like to ask the gentleman from Alabama [Mr. TAYLOR] whether he would be willing either to accept amendments in the line I have suggested, or, better still—because it is almost impossible for any man, no matter what his skill may be, to accurately write out his amendments on the floor of the House in a matter of this kind—to recommit the bill for amendment in that respect.

Mr. TAYLOR of Alabama. In my judgment, the enterprise could not be financed with a limit fixed at less than 50 years. The bill came from the Senate with a provision fixing the limit at 99 years, on the theory that it was necessary that 99 years should be granted in order to finance this proposition. My own judgment was that a 99-year period was too much. The committee agreed with me, and agreed to a 50-year term. That, I think, is a very reasonable limit for financing this matter, which involves the expenditure of \$4,000,000 in the State of Alabama. That is what that corporation would have to pay out.

Mr. SHERLEY. The gentleman's opinion is that 50 years is the shortest practicable period?

Mr. TAYLOR of Alabama. Yes; in which it could be financed.

Mr. SHERLEY. To that I will say that we are constantly, in our city, selling franchises for our streets for a much shorter term. But does not the gentleman think that, instead of leaving it to his opinion or to my opinion as to the length of time necessary in order to have the work undertaken, the Government can very well undertake to try a shorter period, and instead of naming an individual company, follow the suggestion of the gentleman from Illinois [Mr. MANN] and leave it to the highest bidder? I know that there are several companies of very large capitalization in my State—and I am sure there are in other States—companies that are anxiously looking for opportunities for the development of water power of this character; and, against the judgment of the gentleman from Alabama, I simply submit my own, that the Government could very readily get bids upon a proposition containing a much shorter limit than 50 years.

Mr. TAYLOR of Alabama. My opinion was not volunteered, I will say to the gentleman. The gentleman asked my opinion, and I gave it.

Mr. SHERLEY. Certainly. I am not complaining because the gentleman gave it.

Mr. TAYLOR of Alabama. Will the gentleman let me say one word more?

Mr. SHERLEY. Certainly.

Mr. TAYLOR of Alabama. That opinion was very thoroughly discussed in our committee, and the committee unanimously agreed upon a 50-year limit. It is not my opinion alone; it is

also the opinion of the Rivers and Harbors Committee. I take no exception to the opinion of the gentleman from Kentucky, but I will say this, that Kentucky is more developed than Alabama is. Kentucky is an older State. It has more population; it has more money; it can finance propositions more readily. But the proposition mentioned by the gentleman from Kentucky, as to developing cities with street railroads, is a very different proposition from the development of water power in this section of country that I have endeavored to describe to this House; a section of country that you can not reach to build locks; a section of country that you have no room to go there and build a dam; a section of country that has to make concessions to capital in order to interest it in using its money in the development of the water power in that particular section.

Mr. SHERLEY. Now, if the gentleman will permit—

Mr. TAYLOR of Alabama. I should like to say further to the gentleman that I myself am interested in the navigation more than anything else, and the matter of this water-power company is purely an incident with me. I do not care whether this company carries out this contract or not. If it does not, then in the next Congress it is my idea that we can put it up to the highest bidder.

Mr. SIMS. Then let us put the bill over.

Mr. TAYLOR of Alabama. To attempt now to follow the suggestion of the gentleman from Kentucky [Mr. SHERLEY] and make a bill here for the purpose of putting it out to the highest bidder is to do something which up to this period in the history of Congress has never been done. It is done in cities. I do not know that it has ever been done in States, and I submit it has never been done by the Congress of the United States.

Mr. SHERLEY. If the gentleman will permit, his proposition, translated, is this: We will pass this bill. If it proves that the terms we have imposed upon the company are so onerous that the company will not accept them, then we can legislate again; but if, on the other hand, the terms that we have made are so favorable that they should never have been granted, then the Congress of the United States has given away its power. I do not mean in any sense to underestimate the opinion of the Committee on Rivers and Harbors or the individual opinion of the gentleman, but if there has been one marked advance in dealing with matters of this kind in the last 20 years it has been the shortening of the term of contracts and fuller control retained by the Nation, the States, and municipalities. I am not willing to accept either the gentleman's judgment, or the judgment of any dozen or two dozen men, as to this matter, when it can be put to the test of actual trial by offering it for bids in the open market. Neither am I impressed with the argument of the lack of wealth in the State of Alabama. Had anybody else undertaken to say about that great State what the gentleman has just said, he would have been the first to rise in defense of her resources and her ability properly to provide for all present and future needs. But even with the conditions as bad as he believes or states, it still remains that these matters of water power are not dependent on local capitalization. To-day the capital of all America is seeking opportunity for investment in profitable water-power sites, and so the question of the condition of Alabama is immaterial in this case.

Neither am I impressed with the argument that the gentleman is more concerned with the navigability of the river than with the use of the water power. If that be true, then I suggest that the solution of this whole matter can readily be found by striking out all provisions in the bill relating to the sale of the water power. But what you are asking of us is that we as legislators here shall agree to a bill that does give a long lease of the use of the water power to be created.

Mr. SPARKMAN. I will say to the gentleman from Kentucky that the limitation of 50 years was taken from the general dam act. As stated by the gentleman from Alabama, this bill, as it came from the Senate, provided a limit of 99 years. Both the subcommittee and the full committee thought—

Mr. SHERLEY. I am not very much impressed by the contractual terms that are sent to us from the other end of the Capitol. [Applause.]

Mr. SPARKMAN. But we have a law on the subject already, and we relegate this company to the terms of the general dam act. We make that applicable to the construction and operation of this work.

Mr. SHERLEY. All I can say is that every man is entitled to his own view, and I respect him. But I do not believe that there is a common council in my State that would dare in this day and generation to propose to give a 50-year contract for any purpose. [Applause.]

Mr. SPARKMAN. That may be true, and very properly so, because improvements usually placed in a city are of such nature that they can be easily taken out; but you put a

\$1,500,000 dam across a stream of water, and it is not very easily removed.

Mr. SHERLEY. The gentleman's argument is not quite accurate. There is no more investment of a character difficult to realize on in the building of such a dam than there is in the building of the line and the laying of the rails of a street-railway company.

Mr. TAYLOR of Alabama. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. TAYLOR of Alabama. This is not exactly in the shape of a question, I will say to the gentleman, but rather in the way of an explanation which his language calls for. I never would interrupt anybody who had anything to say about the State of Alabama if they said what I said. I spoke the truth, and I think Alabama can stand the truth, and I am not afraid to meet the truth. I only told what everybody knows and what those in and out of the State of Alabama know is the truth.

Mr. SHERLEY. I have such an affection for Alabama that I could not help but think even better of the gentleman's State than his statement seems to warrant me in believing. [Laughter.]

Mr. TAYLOR of Alabama. One more suggestion: The State of Alabama has given the water-power rights to this water company at the head of this stream. The State of Alabama in her policy has already disposed of her rights. The policy of the State of Alabama and of her legislature and the construction of the law by her judges is that the General Government has no power over the water power of a State, and she has already given to this particular company the right to create a water power upon this stream above navigation.

Mr. SHERLEY. That was the responsibility of the State of Alabama. She has seen fit to exercise it in her wisdom, but we can not escape our responsibility because of her action. Neither am I willing to accept in its entirety the statement made by the gentleman from Colorado. For my part, I believe that those things that belong to the Nation belong to the Nation, notwithstanding they are in the confines of a State. [Applause.]

Mr. TAYLOR of Alabama. So do I; I agree with the gentleman.

Mr. SHERLEY. I believe that the responsibility is upon this House this day. I am not willing to vote for this franchise for this length of time. Were I able on the floor, in the heat of debate, in the consideration of this measure, to offer amendments properly safeguarding the bill, I would gladly do so, because I dislike very much to delay the work, and I dislike to do anything that may be against the wishes of the gentleman from Alabama; but on this matter I feel deeply enough to feel obligated in the present condition of this bill to use what influence I may have against its present passage. I will now yield the floor unless some gentleman wishes to ask me a question.

Mr. BOWMAN. I would like to ask the gentleman a question.

Mr. SHERLEY. I will yield to the gentleman.

Mr. BOWMAN. I wholly agree with the general proposition that the gentleman has stated, but it does seem to me—and I will say by the way that I knew nothing about this proposition until it was presented to the House this morning—as an engineer it presents peculiar conditions to me outside of those that would be controlled by a railway. Here is a corporation that has certain rights above the limits of navigation where it controls about 14,000 horsepower. They propose to expend \$4,000,000 in that work. They desire to add to this 15,000 horsepower which the United States Government can get and save an expenditure of several hundred thousand dollars. It does seem to me, in view of the fact that in 20 years the Government can get control by advancing the rates to such a limit as to oblige the company to do what is right, and if there is such a feeling in that district, that the rates are unreasonable—if they are oppressing the community—the Government can advance the rates unless they be reduced to a reasonable figure; but it does seem to me that this great force of nature going to waste should be used. It does not seem to me that technicalities of law should interfere with the development of that section of the country.

Mr. SHERLEY. In reply to what the gentleman has said, I think there has been no attempt to indulge in technicalities of the law. Neither do I believe that America is subject to the indictment of having been too slow in the development of her resources. If the Federal Government has made any mistake in the past, it has been in being too quick under the specious pleas of people who were able to carry weight in granting such privileges. I do not think that the development of water power in Alabama is so pressing that we can afford to set the precedent of issuing 50-year leases in the use of water power hereafter.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. It is now 4 o'clock. I think it is safe to say that we will be here a week from to-day. Does not the gentleman from Kentucky and the other gentlemen who are specially urging this bill believe that the gentleman from Alabama [Mr. TAYLOR] would expedite and possibly secure the passage of the bill if he and the others interested would let it go over until Members have a chance to prepare amendments to it, which amendments in the main probably would be acceptable to those who are urging the bill?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I can say to the gentleman this, that if the House is opposed to this bill as it is written, but is not opposed to the development of power there on such conditions as the House itself may hereafter think desirable, that can be accomplished without voting against this bill by simply striking out all except the first three sections; and I want to submit this suggestion if the gentleman from Kentucky will indulge me—

Mr. MANN. The gentleman does not think that he can do that this afternoon?

Mr. HUMPHREYS of Mississippi. I do not know what can be done this afternoon.

Mr. MANN. The gentleman knows he could not amend the bill by striking out all except the first three sections this afternoon. It would be so much simpler to strike out the enacting clause that I think the committee would do that if it is pressed this afternoon.

Mr. HUMPHREYS of Mississippi. Let me call the gentleman's attention to what will be the result of that, and here is the interest that I have in mind: If the bill is defeated, the lock at 17 is going to be constructed under the contract as already made, and there will be no further possibility of water-power development there; the gentleman may rest assured of that. The engineers have so stated in their report. They say:

If Congress fails to act on Senate bill No. 943 at the present session, or local interests fail to comply promptly with the terms of any co-operation authorized by Congress, it is recommended that the improvement of the Black Warrior River and the proposed extension of this improvement up the Mulberry and Locust Forks be provided for in accordance with the plan which contemplates the use of a 42-foot dam at No. 18, at an additional cost of \$292,152.

Mr. MANN. The gentleman is now discussing the merits of the bill, and I am trying to get at a legislative proposition. I was not born yesterday in legislation, and I do not think I am quite a sucker. I know the gentleman does not take me for one. If this bill had only one section with one word in it and it should be passed as a substitute for the Senate bill, we all know perfectly well that we would be called upon to vote for a conference report in the end, in the closing minutes of a session, when it would go through like greased lightning. Let the House have a chance to consider it and amend it.

Mr. HUMPHREYS of Mississippi. Why has not the House a chance to consider it and amend it now?

Mr. MANN. Why, Members of the House have not had a chance to even read the bill.

Mr. TAYLOR of Alabama. Will the gentleman permit an interruption?

Mr. MANN. The gentleman from Kentucky has the floor.

Mr. SHERLEY. I yield to the gentleman from Colorado [Mr. MARTIN], as I promised to, and then I shall not detain the committee longer.

Mr. MARTIN of Colorado. Mr. Chairman, I asked the gentleman from Kentucky to yield to me merely because he stated that his position differed from mine, which statement on his part seemed to meet with the approval of the House, and I simply wanted to call his attention to the fact that we grant railways of this country rights of way from ocean to ocean without charging a single cent for that invaluable privilege. The Government pours hundreds of millions of dollars into the channels and harbors of the rivers and streams and bays of this country without a cent of charge to those using those streams and harbors, and I fail to see the difference in principle or the justice in muleting an individual or a corporation merely because he or it proposes to develop and use a water-power site.

We are spending millions of dollars, for instance, to build dams in the Ohio River, and we do not propose to make any extra charge to those who use the surface of that stream for transportation purposes; and I object, above all things, to making it a source of Federal profit instead of a source of profit to the State.

Mr. HUMPHREYS of Mississippi. Is the gentleman aware of the fact that the State has given to this company what rights it has, given them over without charge and without price, and so has every other State? Every proposition that comes here of

this sort comes with a franchise from the State which the State has given away.

Mr. MARTIN of Colorado. I will say to the gentleman that is the State's negligence and the State's lookout. I would rather give this company that river forever for nothing than to recognize the principle that the Federal Government can go out into my State and make the water-power sites and plants of that State a source of Federal taxation, thereby depriving the State of taxation upon its own resources.

Mr. HUMPHREYS of Mississippi. If the gentleman will yield. The gentleman is mistaken when he said this was an entirely new departure. The Federal Government now charges at a number of dams where water power is created an annual rental to corporations that use the water power. In the last river and harbor bill which was passed the right to construct dams down on the Coosa River, in Alabama, carried with it a condition that the company to which this right was granted should pay an annual rental to the Government of \$1 per horsepower for the use of the water. This is not the first case of that kind. That precedent has already been established, and I am one who is very thankful that the precedent has been established.

Mr. MARTIN of Colorado. I asked that very question and did not get the impression that the precedent had been established heretofore, and if it has I do not concede the soundness of the precedent.

Mr. HUMPHREYS of Mississippi. Well, it has been established, and the speech of the gentleman from Kentucky appeals very strongly to me, if he will indulge me further. In the last session of Congress I had the privilege and took the opportunity to oppose a bill that proposed to grant a tremendous water power, the greatest that ever had been produced on the face of the earth, to a corporation for 99 years. That limitation was put in after the State had granted to that corporation all the rights the State had to grant, a charter right without any limit whatever. The committee put in a 99-year limitation. I took the position on this floor then that no corporation ought to be chartered by the Government or granted any privilege to do anything beyond the limit of 50 years. I am delighted to know that the gentleman from Kentucky says now that even that is too long. I think it would be wicked in this Government to give away these water powers which are just now being developed in this country. No man can tell what their extent will be. The engineers say that at this particular point they can develop twenty to twenty-five thousand horsepower with the present status of electrical science and the development of mechanical science to-day, but who can say what will be the possibility 10 years from now, when instead of 15,000 it may be 500,000 horsepower can be developed there? And when that comes, when the water power of this country has passed away from Federal control and has been given away, as the States have given it away, to corporations, no gentleman here doubts there will be some gentleman's agreement among all these water-power corporations which will enable them to dictate the terms upon which every wheel in this country will move, unless the strong arm of the Federal Government is interposed to put a limitation upon the extent of the right, or, better still and in addition still, the right is preserved in the Federal Government to say what the selling charge may be. [Applause.]

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. SHERLEY] yield to his colleague?

Mr. SHERLEY. Certainly.

Mr. JAMES. I would like to ask the gentleman from Mississippi a question. I am thoroughly in accord with his position that the Federal Government ought not to give to a corporation a long period of lease and let it have the power to charge exorbitant rates to the consumer. Now, what provision is there in this bill that safeguards the public that uses this water power that the Government generously bestows upon this corporation for 50 years? Is there any protection to the people?

Mr. HUMPHREYS of Mississippi. In the first place, the Government does not generously bestow it upon a corporation for 50 years. It rents it to a corporation at an annual rental, which is subject to a readjustment at every 10-year period. In my opinion, and this is not the first time I have expressed it—I mean by that that I did not wait until I got on the floor of the House to do so—no corporation, not because it is a corporation, but the same would apply to an individual as well, ought to have the privilege of developing this power without being subject to regulation by the Federal authority as to the selling charges of the power produced.

Mr. JAMES. And yet there is no provision of that sort in this bill.

Mr. HUMPHREYS of Mississippi. The gentleman from Alabama [Mr. TAYLOR] said a moment ago he would be very willing to accept an amendment which would incorporate such a provision.

Mr. JAMES. It is unfortunate that that amendment was not put in the bill before it came on the floor.

Mr. HUMPHREYS of Mississippi. The gentleman can not get into any quarrel with me over that proposition.

Mr. JAMES. I am not seeking to do that.

Mr. AUSTIN. May I ask the gentleman from Mississippi [Mr. HUMPHREYS] if it is not true that the St. Lawrence Development Co. in the bill in the last Congress were to pay so much per horsepower either to the State of New York or the National Government?

Mr. HUMPHREYS of Mississippi. They were to pay what I thought was a ridiculously small compensation to the State of New York, but none to the Federal Government. And let me state here that that corporation through its representatives stated to the committee that under no circumstances would they accept the franchise and undertake the work unless they were given a perpetual right, or, in other words, if there was any limitation put upon the perpetual right which had been granted by the State of New York. The Committee on Rivers and Harbors, in spite of that declaration, put in a limitation of 99 years, and they then agreed to accept that. When it came on the floor of the House it was under suspension of the rules and was not subject to amendment. I opposed the bill because I wanted it limited to 50 years. They had insisted that they could not finance it even if we put the 99-year limitation in. After the House defeated the bill because it did not contain the 50-year limitation, I was informed, and I think reliably so, that that corporation was willing and anxious to accept the franchise with a 50-year limitation in it.

Mr. AUSTIN. That called for an expenditure of \$40,000,000, did it not?

Mr. HUMPHREYS of Mississippi. Yes. They are willing to take it for 50 years and to expend \$40,000,000 in development work.

Mr. UNDERWOOD rose.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. SHERLEY] yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. SHERLEY. I yield the floor.

Mr. UNDERWOOD. Mr. Chairman, I did not intend to enter into a discussion of this proposition myself. My own constituency are the ones that are interested in it, if anybody is interested in this proposition. We have on the west of us the Warrior River, with this water power; we have on the east of us the Coosa River, a very much larger river, with five distinct water powers that are better than this, or most of them are. The development of one of them is now being started, and will furnish a great deal more horsepower than will be developed on the Warrior River, and is a very much better horsepower for our people for this reason: The Warrior River comes down between two high banks of rock. There is a tremendous flow of water in the winter time and a very small flow of water in the summer time.

This project has been investigated before, and all the engineers whom I have ever heard of that have investigated it have reported that it was not feasible or practical as a development for power, so far as the river itself is concerned; that the only way you can develop continuous power on that river, a power with which you can run street cars and engines and electric-light plants—is for whoever develops it to go back into the mountains and build great dams in order to hold the supply of water to turn loose in the summer time, to use when the stream runs dry. On the other hand, the development on the Coosa River, the engineers' reports show, is a more uniform, continuous supply of water than in any other stream in America. And they are developing that power, where there will be only 50 miles of wire needed to bring it into Birmingham.

On the other hand, we have great coke ovens there that are pouring their smoke up into the heavens. That surplus smoke and that surplus heat is being used by some of these companies and can be used for electrical power any day. There are more possibilities for competition in Birmingham for electrical power than anywhere in America that I know of, and I think the question involved in this bill is the question as to whether the men who intend to finance it should invest their money in the enterprise, and not as to whether my constituents are being badly treated or not. I stand for it that my constituents are not afraid for you to give those men their 50 years in which to make their money out of it.

We have five competing water powers on the Coosa River; other water powers on the Tennessee River. We have every

great coke oven in the district of Birmingham pouring its smoke into the skies, ready to make if utilized cheaper power and cheaper lights and cheaper heat than you can make out of this water power on the Warrior River.

Now, I will say to you that I did not introduce this bill, and the only interest I have in it is the question of the improvement of navigation. As to the 50-year limit, gentlemen on this floor talk as though the committee were trying to get this Congress to accept something new, to grant some special right. Why, you gentlemen yourselves wrote into the general law of the land, I think, in a bill offered by the gentleman from Illinois, if I am not mistaken, the same proposition—the general dam act, requiring that in all these dams for electrical power the period shall be 50 years.

Mr. MANN. The gentleman from Minnesota [Mr. STEVENS] is entitled to that credit, but I wrote the original act.

Mr. UNDERWOOD. It came from the gentleman's committee?

Mr. MANN. It did.

Mr. UNDERWOOD. And you thought the time ought to be 50 years, and this House ratified it, and you put it on the statute books; and yet you are criticizing this bill, which simply ratifies your general dam act, as if it were going out of the way and accomplishing something unusual. It is nothing but the general law, the law of the land to-day. The law of the land in reference to the development of water power is the law that you must go to and develop your power under when questions of navigation are not involved. Suppose that the Government was not involved in navigation in this stream and that there was no navigation to be promoted. These men would not have to come here for a special bill. They would take the general law that you put on the statute books, and under that law they would create this development which this bill provides for. Is there any harm in a bill that simply writes on the statute books what you said was good for all of the people in the United States? That is all there is in this proposition.

Now, as to what my friend from Colorado [Mr. MARTIN] said, I want to call his attention to one proposition. I agree with him fully that the Government of the United States has no right to tax the untaxed waters of the States. Those waters belong to the States and to the people of the States, and the Government of the United States, the former President of the United States to the contrary notwithstanding, in my judgment has no right to levy one dollar of taxation for the use of these waters, either for mill purposes or electrical purposes or any other purposes.

That is not the question involved here. The question involved in this case is a different one, and to that I wish to call the attention of my friend from Colorado. Here is a case where the Government of the United States is not proposing to charge for the use of the water.

The Government of the United States, by the investment of its own money, has created power. That power belongs to it. It proposes to build a dam. That dam belongs to the Government of the United States. When the water goes over that dam the Government of the United States can put it through a turbine wheel and use the power created to generate electricity, to operate the dam, and to light the houses of the employees along the banks. Having that power, in my judgment it has a right to sell that power. Not that the Government of the United States has a right to build a dam to create power for sale; but when the Government of the United States builds a dam for navigation purposes, within the power of the Constitution, if there is additional power created by that dam, incidental to the expenditure of the money used in the building of the dam, I say the Government of the United States does not have to let the water run over the top of the dam and go to waste, but that the Government of the United States may sell the power for such price as it thinks fair and reasonable.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption there?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. MARTIN of Colorado. Conceding what the gentleman says to be true, I look at this case as merely an adaptation of the principle that has been established in conservation, to fit the particular circumstances. Out in my State the Government does not claim to own the waters in the streams, because they are nonnavigable streams. We do not have to come to Congress to get permission to build bridges and dams, because the State owns those streams; but the Government says to us, "We own the lands bordering on the streams that are desirable for water-power sites, and we will charge you a rental for the use of those lands upon which to locate your dams and power plants, which will be equivalent to a charge for the use of the water."

Mr. UNDERWOOD. The gentleman's case is not in point with this.

Mr. MARTIN of Colorado. No; but it is all a part of the new doctrine that the State virtually owns these waters and has a right to tax their use.

Mr. UNDERWOOD. Not at all. I agree with the gentleman from Colorado in what he asserts. I say that the Government of the United States has no right to tax the running water, and it would have no right to build a dam for the purpose of creating power. But mark you, gentlemen, this question is not an undetermined one. The Government of the United States by past legislation has already committed itself to making this river navigable up to this point, and has authorized the engineers to go ahead. It is not a new proposition. If you defeat this bill, you do not stop the navigation. You do not stop the project which has been authorized. It is on the statute books. A part of the money has been appropriated, and in your sundry civil bill, along with your other improvements, when the money already appropriated is exhausted, you will have to bring in sufficient money to complete the navigation project. There is not anything new involved there. The one proposition here is that the Government engineers have favored a change of plan. They favor building one dam instead of the four dams that are authorized. They say that that one dam will cost between \$200,000 and \$300,000 less to the Government of the United States than the building of the four dams already authorized would cost. Now, is there any gentleman here who wants to defeat a bill that will cost the Government \$300,000 less than what it has already committed itself to do?

Mr. LEWIS. Mr. Chairman, I have no objection to the principle of the bill, and by way of preface to the question I shall ask I wish to make a statement to render the question intelligible.

Some 50 years ago the General Government permitted a bridge company near Pittsburgh to cross the Monongahela River. Later, in the interests of navigation, it was found necessary to pass an act of Congress to have the bridge taken down.

The act of Congress provided that compensation should be made to the bridge company for the value of the physical structure. A controversy arose and the case went to the Supreme Court, and that court held that the limitation of the compensation to the value of the physical structure was unconstitutional, and that the Government must pay the bridge company the value of the physical structure and also the value of its franchise, or of its privilege to make profits through the bridge.

In the act just now proposed I find the clause reserving to the Government the right to alter and amend, but I should like to feel that if in the interest of navigation the Government should find it necessary to take down the dam to which the power plant is being annexed it would not have to pay the power plant the franchise value or capitalization of the profits it might be making out of the privilege given it by the Government, as in the Monongahela case.

Mr. UNDERWOOD. That is simple. The gentleman realizes that this is not a similar case to the bridge case that he speaks of. The bridge was built by a private party, and this dam here is going to be built by the Government.

Mr. LEWIS. The plant for the utilization of the power under this bill is to be built by a private company.

Mr. UNDERWOOD. All the plant consists of is the right of the company to run a 3-foot board across the top of the dam and get 3 feet more of water than the dam furnishes for navigation and the right to draw that water down to the face of the dam.

Mr. LEWIS. But the privilege conferred by the bill is to take power from this dam for 50 years and sell it, and that would be regarded as a franchise privilege protected by the Constitution of the United States under the decision I have referred to. If I invite a guest into my house to stay for a season and then find that I have to shorten his stay, I should dislike the prospect of being brought into court, perhaps, to pay him for the value of the privilege that I have had to withdraw.

Mr. UNDERWOOD. I will say to my friend from Maryland that the whole proposition is simply this: You do not have to build this dam; you do not have to give the company these rights. If you do give it these rights to put up this additional work and to pay half a million dollars, as it contracts to do, for purchasing this overflowed land, it certainly ought to have a reasonable time to get its money back. Of course, the Government is not going to pull down the dam. If it pulled down the dam it would destroy the navigation. There can be no purpose in pulling it down. The Government has the right to amend this proposition, under its regulation, as it sees fit. The whole proposition before this House in no way violates the general law. Here is a company that is authorized under the

general law of Alabama, and it has got to obey those laws. Alabama is prepared to take care of its own citizens and the company that must eventually compete with five other dam-power companies, and all the power that goes up in the smoke of the furnaces.

I am responsible to my constituency. Do gentlemen on this floor think that I am favoring a bill that is going to injure the rights of my constituents or my State? You fixed this 50-year limit in your general dam bill. Now, the real and only question that is involved in this proposition is, if you want to beat this bill under the law you have already authorized, the Government engineers have got to go to work and build four more dams. That is a question for you to decide. Congress has enacted the law. They have got to build four more dams to make the river navigable up to the point where they want it navigable. The engineers, not the Congress, not the committee—the engineers say it will cost \$200,000 or \$300,000 more than if you adopt this plan.

Now, as to the price that this company is to pay for it. That was not fixed by this committee; that is fixed by the general regulations of the War Department that they charge in every case. It is the general regulation that they are applying to everybody else and which they have said in the War Department is a fair amount to charge for a horsepower.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MADDEN. How much does the Government of the United States spend for the construction of this dam?

Mr. UNDERWOOD. Up to this time nothing.

Mr. MADDEN. How much will they expend? That is what I want to know.

Mr. TAYLOR of Alabama. For each dam?

Mr. MADDEN. For the 63-foot dam.

Mr. TAYLOR of Alabama. For the Dams No. 17, No. 18, and No. 19, \$1,498,246.

Now, there are two other dams that will cost \$787,422. The total cost of all the dams is \$2,285,669. The Dam No. 17, with the 63-foot lift, will cost \$2,028,154, leaving a balance in favor of the Government on the cost of \$257,514.

Mr. MADDEN. \$15,000 a year on an investment of two million and a half would be less than three-quarters of 1 per cent on the money invested.

Mr. TAYLOR of Alabama. But that investment has nothing to do with the water power. That is an investment you make anyway, in order to make navigation in that river up to these coal fields.

Mr. MADDEN. I understood my friend from Alabama [Mr. UNDERWOOD] to say that the Government was charging what it did charge because of the investment made in the construction of the dam.

Mr. UNDERWOOD. My friend from Illinois did not understand me. Here is what I say. I say this new proposition saves the Government outright \$250,000 in round figures.

Mr. MADDEN. Did not the gentleman say this in answer to the question of the gentleman from Colorado [Mr. MARTIN] that the question involved here was not similar to the one involved in the Colorado proposition, which the gentleman stated, and that the charge made by the Government was not a charge for the water, but a charge for the investment which it made in the construction of the dam?

Mr. UNDERWOOD. Of course, I said that, but I did not apply it to the \$15,000. If the gentleman will listen just a minute, he will learn that the Government will save, in order to make the Warrior River navigable, by the adoption of this new proposition, \$250,000 in the beginning. It will get a rental value of \$15,000 in addition from now until the contract expires from these people, that it will not get at all if you do not adopt this plan. Otherwise, it will let that power go over those four dams and accomplish nothing.

Mr. Chairman, there is another question that I want the gentlemen on this side of the House to understand. You will surely build these four dams, because I say to you candidly if this bill is defeated, I shall insist, so far as I am concerned, that the engineers go ahead with their present work and finish that navigation, because that is what I want.

I am not concerned about this power. We have plenty of power from other sources, but if you defeat this bill and require them to build four dams instead of one, you are going to put a continual charge on the Government of the United States, according to the reports of the engineers, of \$6,000 each year from now on until eternity for each additional dam.

Mr. TAYLOR of Alabama. For each one of these dams?

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] if he thinks it is quite a fair argument to say to the House that unless we pass a bill

giving a franchise to a corporation for half a century, with no limitation upon the amount that they shall charge the consumer for this power, an insistence is going to be made that certain work shall go on which will involve an expenditure of \$200,000 or \$300,000 out of the Treasury more than would be expended if we give away this right, to which we do not agree; that unless we turn the people over to the insatiable maw of this monopoly, which we are unwilling to do, he is going to insist that \$300,000 or \$400,000 more shall be expended. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, my friend from Kentucky has just come out of a successful campaign for Senator, where a play to the gallery has purchased votes, but I will say to the gentleman from Kentucky that to claim that one company controlling one water power is a monopoly, to answer me with that proposition that I am pleading for a monopoly, when I have just stated to him that there are five water powers in use, and that the smoke that comes out of these coke ovens is the power to produce electricity, for him to say these things is not a fair proposition to put to me. [Applause.]

Mr. JAMES. Mr. Chairman, I want to say, in reply to the gentleman's statement that I just came out of a successful campaign in Kentucky where an appeal to the galleries purchased votes, that I should have expected a statement more considerate of the people of Kentucky, among whom the gentleman was born, than a statement such as he made reflecting upon them. [Applause.]

Mr. UNDERWOOD. Well—

Mr. JAMES. And, in addition, I may say that Kentuckians are just as intelligent as Alabamians and they are just as little susceptible to the influence of playing to the galleries as any people in this Republic. It does not intimidate me any for the argument to be made here by the gentleman from Alabama that because I am unwilling to give a half a century franchise to a corporation in Birmingham, Ala., with an unlimited right to fix charges upon the consumers, to say that I am playing to the gallery. If that is playing to the galleries, the sooner the gentleman from Alabama commences playing to the gallery the sweeter the applause of the gallery will be to the gentleman. [Applause.]

Mr. UNDERWOOD. I will say to the gentleman from Kentucky, I have never learned to play to the gallery. [Applause.] I do not know how to do it, and I want to say this, my answer to the gentleman a moment ago was provoked by what he said. I do not think it was justified, and I wish now, in justice to him and myself, to withdraw what I said. [Applause.]

Mr. JAMES. Then, in like justice to the gentleman from Alabama, I withdraw what I said. [Applause.]

Mr. UNDERWOOD. Just one word. We say sometimes in the heat of argument things between friends that we ought not to say, and I want to say that this franchise of 50 years is now the general law of the land, not fixed by this bill, and I do say it is fair for me to insist that the law that Congress has adopted should be carried out. I do say it is fair for me to insist before the War Department that the improvement of this river should go on, and go on at once, and I think it is perfectly fair for me to call to your attention that here are four dams that will cost \$6,000 each year to maintain; that if you bring it down to one it will only cost \$6,000 a year to maintain that one. Now, if you defeat this bill you lose \$15,000 in rentals, you lose \$250,000 in the additional cost of the improvements, and you put an additional charge of \$18,000 a year in perpetuity on the Government. Now, that is all I have to say; that is all there is in the proposition. [Applause.] I believe it is in the interest of the Government for you to build one dam, as this bill provides for, instead of four, as the law now on the statute books will compel you to build should you defeat the present proposition.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 943) to improve navigation on the Black Warrior River in the State of Alabama and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 181):

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

*Resolved*, That a committee of 18 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. FRYE at his late home in Lewiston, Me.

*Resolved*, That the Secretary communicate a copy of these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. JOHNSON of Maine, Mr. CULLOM, Mr. GALLINGER, Mr. MARTIN of Virginia, Mr. BACON, Mr. LODGE, Mr. PERKINS, Mr. WETMORE, Mr. CULBERSON, Mr. BAILEY, Mr. CLARK of Wyoming, Mr. WARREN, Mr. FOSTER, Mr. SIMMONS, Mr. NELSON, Mr. PENROSE, Mr. CLARKE of Arkansas, and Mr. DILLINGHAM.

#### DEATH OF SENATOR WILLIAM P. FRYE.

Mr. MCGILLICUDDY. Mr. Speaker, it is with profound sorrow that the delegation from the State of Maine and the House of Representatives learn officially, by a message from the Senate, of the death of the distinguished Senator from our State. At a later day I will ask the House to set apart a time to commemorate by proper exercises his life, character, and public services. At the present time I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

#### House resolution 273.

*Resolved*, That the House has heard with profound sorrow of the death of the Hon. WILLIAM P. FRYE, a Senator of the United States from the State of Maine for 30 years and for 10 years a Member of this House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of 16 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER announced the following committee.

The Clerk read as follows:

Mr. HINDS, Mr. MCGILLICUDDY, Mr. GOULD, Mr. GUERNSEY, Mr. ADAMSON, Mr. STEVENS of Minnesota, Mr. MANN, Mr. CANNON, Mr. CULLOP, Gen. SHERWOOD, Mr. NYE, Mr. COX of Indiana, Mr. PETERS, Mr. LAWRENCE, Mr. REILLY, and Mr. MOON of Pennsylvania.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned to meet to-morrow, Thursday, August 10, 1911, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury recommending legislation in regard to old Federal building and site in Houston, Tex., advising its retention by the Government (H. Doc. No. 100) was taken from the Speaker's table, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHEPPARD, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va., reported the same without amendment, accompanied by a report (No. 141), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3742) granting a pension to Hanora Moore, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. POST: A bill (H. R. 13414) to provide for the purchase of a site and the erection of a public building thereon at Circleville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HOLLAND: A bill (H. R. 13415) to provide for the examination and survey of Nansemond River in Virginia, for the purpose of ascertaining the cost of repairing and replacing the diking in said river and increasing the depth thereof; to the Committee on Rivers and Harbors.

By Mr. MARTIN of Colorado: A bill (H. R. 13416) to amend section 4 of an act entitled "An act to provide for an enlarged homestead," approved February 9, 1909; to the Committee on the Public Lands.

By Mr. MORSE of Wisconsin: A bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes; to the Committee on the Public Lands.

By Mr. RAKER: Resolution (H. Res. 270) calling for information from the Secretary of the Interior and the Secretary of Agriculture concerning the diversion of the waters of Lake Tahoe; to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 271) discharging the Committee on Expenditures in the Interior Department from further investigation of the withdrawal of lands from the Chugach Reservation in Alaska; to the Committee on Rules.

By Mr. HENRY of Texas: Resolution (H. Res. 272) to set a time for the consideration of certain bills and resolutions; to the Committee on Rules.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 148) increasing limitations on appropriations for general expenses of public buildings, 1912; to the Committee on Appropriations.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13418) granting an increase of pension to David S. Buxton; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 13419) granting an increase of pension to Joseph Curty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13420) granting an increase of pension to Earl L. Jones; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 13421) granting an increase of pension to John R. Woods; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13422) granting a pension to Louise F. Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13423) granting a pension to Fritz Wilbert; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 13424) granting an increase of pension to Horatio F. Bronson; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 13425) granting an increase of pension to Anson C. Smith; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 13426) granting a pension to Sallie W. Willard; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 13427) granting a pension to William H. Brenner, sr.; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13428) granting an increase of pension to Ellen Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) granting an increase of pension to Mary Sheedy; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 13430) granting an increase of pension to Alonzo P. Sharp; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 13431) granting a pension to John C. Jones; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 13432) granting an increase of pension to John Kugler; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 13433) granting an increase of pension to Edward L. Hudson; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13434) for the relief of Norris Andrews; to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13435) granting a pension to Francis G. Babcock; to the Committee on Pensions.

Also, a bill (H. R. 13436) granting an increase of pension to Charles A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting an increase of pension to Thomas Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13438) granting an increase of pension to Alva Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13439) granting an increase of pension to William Rossman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13440) granting an increase of pension to Frank A. Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13441) granting an increase of pension to James R. Hann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13442) granting an increase of pension to Daniel M. Morgan; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Edward Matlehner, secretary Cigar Makers' Union of Erie, Pa., protesting against House bill 11823; to the Committee on Ways and Means.

Also, resolution of Board of Trade of Erie, Pa., urging importance of an amendment to the corporation-tax law that companies may make returns as of close of fiscal year; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of voters of Fairpoint, Ohio, urging passage of the bill recommended by the Immigration Commission; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petitions of citizens of Morris and Seneca, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Resolutions of Mankato District of the National League of Postmasters, in favor of parcels post, etc.; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Papers to accompany House bill 13375; to the Committee on War Claims.

By Mr. KAHN: Petition of California Society, Sons of the American Revolution, urging the appropriation of \$25,000 to repair the U. S. S. *Portsmouth*, etc.; to the Committee on Naval Affairs.

Also, petition of Chamber of Commerce of San Diego, Cal., favoring immediate legislation regulating tolls for use of Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Resolutions of the Switchmen's Union of America, requesting Congress to pass legislation to have cast a bronze tablet or bust commemorating the work of the late Edward A. Moseley while secretary to the Interstate Commerce Commission; to the Committee on the Library.

#### SENATE.

THURSDAY, August 10, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The journal of yesterday's proceedings was read and approved.

#### HOUSE BILL REFERRED.

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure, was read twice by its title and referred to the Committee on Commerce.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes; and

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

The message also announced that the House had passed the bill (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.;

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.;

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. R. 8653. An act to give the District of Columbia a right of appeal to the Supreme Court of the United States in patent cases;

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.;

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund; and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.

The message also transmitted resolutions of the House on the death of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine, and announced that the Speaker of the House had appointed Mr. HINDS, Mr. MCGILLICUDDY, Mr. GOULD, Mr. GUERNSEY, Mr. ADAMSON, Mr. STEVENS of Minnesota, Mr. MANN, Mr. CANNON, Mr. CULOP, Mr. SHERWOOD, Mr. NYE, Mr. COX of Indiana, Mr. PETERS, Mr. LAWRENCE, Mr. REILLY, and Mr. MOON of Pennsylvania the committee on the part of the House to attend the funeral.

#### ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. J. Res. 1) to amend certain appropriation acts approved March 4, 1911, and it was thereupon signed by the Vice President.

#### DEATH OF SENATOR WILLIAM P. FRYE.

The VICE PRESIDENT presented a resolution adopted by the Maritime Association of the Port of New York, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,  
78 Broad Street, New York, August 9, 1911.

Hon. JAMES S. SHERMAN,  
Vice President of the United States, Washington, D. C.

DEAR SIR: I have the honor to transmit below resolutions adopted by the board of directors of this association at a regular monthly meeting held this day, viz:

"Whereas the board of directors of the Maritime Association of the Port of New York has learned with deep regret of the death of Hon. WILLIAM P. FRYE, senior Senator from the State of Maine; and

"Whereas, representing as he did for many years a constituency occupying an important position in the shipping and commercial world, Senator FRYE from the outset of his career became an ardent champion of the shipping interests of our country, rendering such service as to place these interests under lasting obligations to his memory: Therefore be it

"Resolved, That this board realizes that in his death our association has lost a valued friend, who invariably aided in the furtherance of measures advocated by our organization; that the maritime and commercial interests have suffered an irreparable loss, and that in the councils of Congress, where his varied and expert knowledge in all affairs pertaining to shipping was ever at their disposal, he will be sadly missed, and that the country at large is deprived of the services of an honored statesman, whose voice was ever on the side of right and whose career is worthy of emulation; and be it further

"Resolved, That a copy of this resolution be transmitted to the family of the deceased and to the Vice President of the United States."

Very respectfully,

WILLIAM SIMMONS,  
President pro tempore.

Attest:

C. LYNN BUNDY.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Assembly of the State of New York, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

In assembly, February 27, 1911. Mr. Brooks offered for the consideration of the house a resolution in the words following:

Whereas the election of a President of the United States every four years tends to unsettle the economic and commercial conditions of the country for a year preceding and succeeding such election; and

Whereas the Presidents of the United States with few exceptions have been renominated necessitating the devotion of much of their time to political campaigning for reelection: Be it therefore

Resolved (if the senate concur), That the Legislature of the State of New York respectfully requests the Congress of the United States to submit to the legislatures of the several States for ratification a proposed amendment to the Federal Constitution extending the term of the President of the United States to the period of six years, and further